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Colonel William Fleming in Dunmore's War, 1774

By William D. Hoyt, Jr.

Preliminaries

In the year 1774, the peace which had kept the western country quiet since the treaty of 1765 received an interruption which checked for a time the settlement of the frontier and involved its inhabitants in a war with the Indians. The conflict was the natural outgrowth of strained relations caused by the gradual spread of the whites into the territory of the redmen. Increasing numbers of sturdy pioneers were moving into the wilderness west of the mountains, and the whole region was overrun with parties of explorers, surveyors, and seekers after land. Some of the surveys were made under authority of the proclamation of 1763 granting acreage to those who had served in the French and Indian War, but many were for men who had bought the rights of the veterans. Representatives of the Walpole or Vandalia Company, the Loyal Company, and several independent parties were vying for the choice locations. The entire community was looking to the West, and some said that even Governor Dunmore was more than casually concerned.

Among those personally interested was William Fleming (1729-1795), who claimed land in return for service on the frontier. He was a Scots physician, a former surgeon's mate in the British Navy, who landed at Norfolk, Virginia, in August, 1755. He went immediately to fight under George Washington against the French and the Indians. When the campaigns were over, he settled in the Valley, first at Staunton, where he practiced medicine for

five years, and then in Botetourt County. He became one of the leaders of the western region, and was one of a powerful group which included Patrick Henry, Andrew Lewis, Arthur Campbell, and others—all bound together by ties of blood or friendship—for whom John Floyd, James Douglas, and Hancock Taylor were laying out tracts.[1]

With such a steady movement westward, the Indians regarded every advance as a further effort to expel them from country which they had long considered their own; and as time went on they became more and more annoyed at the prospect.[2] For a long while they submitted patiently to a series of petty aggravations, but several flagrant killings in the spring of 1774 set off a spark which flamed high during the rest of the year. The trouble was started by a group of men at Wheeling under Captain Michael Cresap, who shot and murdered two small parties of Indians bound on peaceful errands. The first slaughter served to stimulate the desire for blood, and others followed immediately.[3] The climax came with the Yellow Creek tragedy on April 30, when a company of Indians—warriors, squaws, and a baby—visited a trading post at Baker's Bottom, were made drunk, and were then murdered by men led by one Greathouse.[4] The fact that among those killed was the entire family of the Mingo Chief Logan was most important, for Logan had always been a friend to the settlers and had been admired in return for his skilled marksmanship and commanding dignity. Now he turned on

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[1] The desire of the whites for land and their increasing encroachment on Indian territory is discussed fully by Thomas P. Abernethy, *Western Lands and the American Revolution* (New York, 1937), pp. 79-90, and by Randolph C. Downes, "Dunmore's War: An Interpretation," *Mississippi Valley Historical Review*, XXI (1934), 311-20. Original records of lands surveyed on Cripple and Reed Creeks and along the Holston River and its branches during the spring of 1774 are among the Campbell-Preston Papers, I, 36-47, and the Adam Stephen Papers, nos. 92, 93-94, in the Library of Congress.

[2] A letter from Redstone (Brownsville, Pa.) in October, 1774, described the events of the previous decade and showed the gradual irritation of the Indians. *American Archives*, ed. Peter Force (Washington, 1837-53), 4th Series, 1, 1015-16.

[3] John W. Monette, *History of the Discovery and Settlement of the Valley of the Mississippi* (New York, 1848), I, 366, 369-71.

[4] Reminiscences printed in Reuben G. Thwaites and Louise P. Kellogg, *Documentary History of Dunmore's War* (Madison, 1905), pp. 9-19 (hereafter cited as Thwaites and Kellogg, *Dunmore's War*) shows considerable variation as to details of the killings.

the whites with ferocity, and he vowed that he would take ten lives for each of the three kinsmen slaughtered.[5]

Nor was Logan the only one who now went on the warpath. The murders by Cresap and Greathouse caused a smouldering fire to burst into open hostilities everywhere, and soon the fury of the savages was vented on all the settlements. A letter received in Philadelphia from the frontier told of a party of forty Shawnees who were out intending to strike at some part of Virginia. An express from Fincastle County mentioned some skirmishes in that region. Other sources described massacres by the Indians, often only single killings, but terrifying enough to those living in outlying places beyond the reach of aid.[6] Consternation grew with each fresh report, and it was not long before the outermost settlements were deserted, their inhabitants fled towards the mountains or to forts where they might be safer. One writer, after describing the killing of Captain McClure and another man, said, "All the poor people who was settled over Alleghany Mountain, are either moved off, or gathered in large numbers, and making places of defense to secure themselves."[7] Late in June, Dr. John Connolly, Governor Dunmore's representative in the border country, wrote a gentleman in Philadelphia that, "The inhabitants in general are fled from this place, and the country is in great confusion."[8]

In this atmosphere of increasing tenseness, preparations in general for the active defense of the Virginia frontier were begun. On June 10, the Governor issued a circular letter to the county lieutenants, saying that peace was no longer to be hoped for and it was necessary to have recourse to

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[5] Logan was a Mingo chief named Tachechdorus, or Branching Oak of the Forest, who had taken the name 'Logan' as a compliment to James Logan of Pennsylvania. Constance L. Skinner. *Pioneers of the Old Southwest; a Chronicle of the Dark and Bloody Ground* (New Haven, 1919), p. 119.

[6] *American Archives,* 4th Series, I, 275, 364; Thwaites and Kellogg, *Dunmore's War,* pp. 29, 36-37.

[7] Letter dated at Cave Cumberland, June 21, 1774, *American Archives,* 4th Series, I, 435. This writer blamed the trouble directly on the murders by Cresap and Greathouse.

[8] Connolly to a gentleman in Philadelphia, Fort Pitt, June 27, 1774, *ibid.,* I, 454. When one reads Theodore Roosevelt's vivid description of an Indian raid, one does not wonder at the reaction of the frontier people when they heard that the savages were in search of scalps. See *The Winning of the West* (1907-09), I, 215.

the only possible means to extricate the border country from its calamitous situation. The county lieutenants were, therefore, to assemble their militia in readiness to defend their homes or to march to the assistance of others so engaged; they were to erect small forts if necessary, and to keep up a constant correspondence with the other lieutenants.[9] Ten days later, Dunmore wrote Connolly approving plans to build a fort at Wheeling and to march to the Shawnee towns.[10]

A consultation of the militia officers of the western counties was held at the Lead Mines on June 25, and it was decided that Colonel William Christian should march to the region of the Clinch River and repulse the enemy on their approach to the settlements.[11] He took with him a ranging party of 150 and patrolled the frontier until there was a further change of plans, but did not come into actual contact with the Indians.[12] William Fleming did not participate in this expedition, but doubtless he was at the conference which preceded its departure. He had been appointed lieutenant-colonel of the Botetourt militia in March, and this rank would cause him to take a leading part in any discussion of plans. Matters were fast approaching a crisis, too, and men of Fleming's position and experience were looked to quite naturally for guidance.[13]

On July 12, Governor Dunmore made a definite move towards clearing up the situation on the frontier. He wrote to Colonel Andrew Lewis, County Lieutenant of Botetourt, advising him to wait no longer for the Indians to attack, but to raise all the men possible, go to the mouth of the Great Kanawha and build a fort, and, if he had sufficient forces, march to the Shawnee towns and destroy them.[14]

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[9] Dunmore to county lieutenants, Williamsburg, June 10, 1774, Thwaites and Kellogg, *Dunmore's War*, pp. 33-35.

[10] Dunmore to Connolly, Williamsburg, June 20, 1774, *ibid.*, p. 37.

[11] Preston to Christian, Fort Chiswell, June 27, 1774, *ibid.*, pp. 52-55.

[12] Christian to Preston, Andrew Covill's (near Abingdon), July 9, 1774, *ibid.*, pp. 75-78.

[13] Fleming's commission as Lieutenant-Colonel, signed by Lord Dunmore and dated March 14, 1774, MS, Fleming Papers, Washington and Lee University Library. When the expedition against the Shawnees was organized, he was raised to the rank of Colonel, though the original commission is lacking in this case.

[14] Dunmore to A. Lewis, Rosegill (home of Ralph Wormeley, a Councillor in Middlesex County), July 12, 1774, Thwaites and Kellogg, *Dunmore's War*, pp. 86-87.

Some delay was experienced in gathering men for the expedition, and, it being determined to wait no longer, an advance force of 400 men was sent out under Major Angus McDonald, an officer from Frederick County. He proceeded to Wheeling, where he began the erection of a fort. Then he was relieved by Captain William Crawford and marched his troops into the Indian country. When six miles from Wakatomica, the Shawnee town on the Muskingum River, he met, fought, and defeated a party of forty or fifty warriors. When the town itself was reached, it was found to be evacuated, and the savages were camped across the river, suing for peace. It was discovered that the Indians were removing their old people, women, children, and possessions to other towns—possibly getting them out of the way before a real battle—so McDonald promptly burned Wakatomica and several other villages, destroyed 500 bushels of old corn, cut down seventy-five acres of growing corn, and returned to Wheeling with three chiefs as hostages.[15] This excursion, resulting in the destruction of Indian homes and crops, served merely to exasperate rather than to subdue the redmen. No sooner had the troops retired from the Shawnee country than small parties of savages invaded the settlements in many different places. Surprise attacks took place all during the summer, and a number of inhabitants of outlying regions were killed or captured.[16]

Meanwhile, the general picture shifted once again. Lord Dunmore had not at first intended to take an active part in the campaign against the Indians, but now decided to lead one wing of the invading army himself. He wrote Colonel Andrew Lewis on July 24 from Winchester that he intended to take as many men as possible, and desired

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[15] McDonald to Connolly, August 9, 1774, *ibid.*, pp. 151-54; *The Virginia Magazine of History and Biography*, XX (1912), 83-84. Also a letter received at Williamsburg from a gentleman at Redstone, August 18, 1774, *American Archives*, 4th Series, I, 722-23.

[16] The large number of scattered killings was due partly to the fact that the whites had to attend to their crops of ripening corn until they were harvested, if they were to have bread for the winter. Those living near the forts managed to save most of their corn, but people in more distant places lost heavily in both lives and crops. See Goodridge Wilson, *Smyth County History and Traditions* (Kingsport, Tenn., 1932), p. 52.

Lewis to raise "a respectable Boddy of Men" and join him at the mouth of the Great Kanawha or at Wheeling, "as is most Convenient for you."[17] The same day he wrote Lewis' brother, Colonel Charles Lewis, announcing his purpose to proceed immediately with 250 or 300 good men "in order to compell the Indians to a lasting peace after chastizing them for their late murders & outrages."[18] Shortly afterwards, he informed Lord Dartmouth of these plans and commented that if he could penetrate undiscovered to the lower Indian towns, he hoped to put an end to the horrid war in which there was no honor, pleasure, or profit.[19] It is not evident how the Governor expected to get so far into enemy territory undiscovered, but his purpose is quite clear.

Promptly on receipt of Lord Dunmore's instructions, Colonel Andrew Lewis summoned a council at his house on August 12. Present were Colonel Lewis himself, Colonel Preston, Colonel Christian, and Colonel William Fleming. Plans were completed for enlisting troops, and it was decided to rendezvous on the Greenbrier River by the end of the month.[20] Thereupon followed a fortnight of hurried preparations, with many problems of gathering men and provisions. There was a scarcity of some kinds of supplies, and one of the chief difficulties was to get what was available transported to the place of meeting.[21] All the men called were not eager to leave their crops just as harvest season was approaching, but a letter from the Rev. John Brown to Colonel Preston indicates that some were glad enough to have a chance at the enemy. Describing the marching of the Augusta contingent, the minister called them, "noble Companies all cheerfully willing to go to the Shawnee towns."[22]

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[17] Dunmore to A. Lewis, Winchester, July 24, 1774, Thwaites and Kellogg, *Dunmore's War*, pp. 97-98.

[18] Dunmore to C. Lewis, July 4, 1774, "Preston Papers," *The Virginia Magazine of History and Biography*, XXVI (1918), 366.

[19] Dunmore to Dartmouth, Thwaites and Kellogg, *Dunmore's War*, pp. 149-50; "Aspinwall Papers," *Collections of the Massachusetts Historical Society* (Boston, 1871), 4th Series, X, 722.

[20] Records of consultation, August 12, 1774, "Preston Papers," *The Virginia Magazine of History and Biography*, XXVI (1918), 367.

[21] Numerous letters between the officers concerned present a clear picture of the difficulties involved. See Thwaites and Kellogg, *Dunmore's War*, pp. 142-49, 156-59, 163-76, 179-80.

[22] Brown to Preston, August 22, 1774, *ibid.*, pp. 160-61.

ON THE MARCH

The southern division under Colonel Andrew Lewis began assembling at Camp Union—so called because it was the place where the various companies were united, now the location of Lewisburg—on August 27, and each day thereafter witnessed the arrival of more men.[23] Colonel Lewis himself reached the rendezvous on September 1, and immediately took charge of the necessary arrangements. The army consisted of three large bodies: the Augusta County Regiment under Lewis' brother Charles, the Botetourt County Regiment under Fleming, and the Fincastle County Battalion led by Christian. In addition, there were several independent companies: the Culpeper Minute Men, forty strong, under Colonel John Field; the Dunmore County Volunteers, also forty in number, under Captain Thomas Slaughter; forty-four Bedford County Riflemen under Captain Thomas Buford; and twenty-seven Kentucky Pioneers brought by Captain James Harrod. Of the number, three high-ranking officers were regular physicians: Colonel Fleming, Captain Buford, and Captain Robert McClennahan of the Botetourt troop. The Rev. Mr. Terry was Chaplain, and Major Thomas Posey was Commissary and Quartermaster General. There were a number of minor officials, including a chief guide, a chief spy, and a chief driver of cattle.[24]

The army at Camp Union was one of the most remarkable bodies of men that had ever assembled on the Amer-

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[23] The chief sources for the entire campaign from this point to the end are three contemporary records which give connected accounts and many interesting details. Colonel William Fleming's Journal, covering the period from September 2 to October 28, is written in his own handwriting at the end of his Orderly Book and is probably an abbreviation of the data there. It is printed in full in Thwaites and Kellogg, *Dunmore's War*, pp. 281-91 (cited hereafter as "Fleming's Journal"). The Orderly Book itself is a day by day record of events from September 4 to November 22, and is especially valuable for items of camp life, the march, and the battle. The entries for October 9-16 are in the handwriting of John Todd, who served as Fleming's secretary during the period when he was handicapped by wounds. It appears in Thwaites and Kellogg, pp. 313-60 (cited hereafter as "Fleming's Orderly Book"). The third account of this nature is the journal and orderly book kept by Ensign James Newell of the Fincastle Battalion. It runs from September 8 to October 28, and duplicates Fleming's narrative in many respects. For this reason, Thwaites and Kellogg include only the portion dealing with October 17 and afterwards, pp. 361-67, but the entire document is published in *The Virginia Magazine of History and Biography*, XI (1904), 242-53 (cited hereafter as "Newell's Orderly Book").

[24] Virgil A. Lewis, *History of the Battle of Point Pleasant* (Charleston, W. Va., 1909), pp. 27-28.

ican frontier. Some had been with Washington at the surrender of Fort Necessity, some with Braddock at the fatal field of Monongahela, others with Forbes at the capture of Fort DuQuesne, still others with Bouquet in the Ohio Wilderness—all had been engaged all their lives in border warfare. The men were not only familiar with both the English and Colonial military systems, but were schooled in the methods of Indian fighting as well. They were a typical backwoods group, both officers and soldiers. They wore fringed hunting shirts, dyed yellow, brown, white, or red; ornamented shot bags and powder horns hung from broad belts. They had caps or soft hats, moccasins, and coarse woolen leggings reaching halfway to the thigh. Each carried his flintlock, tomahawk, and scalping knife. The officers were equipped like their followers, except that some had long swords.[25] The caliber of the army was such that Theodore Roosevelt wrote: "Although without experience of drill, it may be doubted if a braver or physically finer set of men ever got together on this continent."[26] Colonel Preston said of them: "This body of militia being mostly armed with rifle guns, and a great part of them good woodsmen, are looked upon to be at least equal to any troops for the number that have been raised in America."[27]

The first ten days of September were occupied with organization of the troops and with the collection of sufficient supplies for the march. The number of men, around 1,490, was more than Colonel Lewis expected, so that he had to write to Colonel Preston for a proportionate increase in provisions. There was just enough excitement about the movements of the Indians to keep the men well occupied, and the only difficulty was to prevent them from shooting away their ammunition. Indeed, Colonel Lewis reported that he had less trouble with the troops than he had expected, and he hoped they would continue to remain cheerful. The single shadow on the horizon was a letter from

[25] *Ibid*, p. 29; J. T. McAllister. "The Battle of Point Pleasant," *The Virginia Magazine of History and Biography*, IX (1902), 406.
[26] Roosevelt, I, 222.
[27] Letter of Col. Preston, Fincastle, September 28, 1774, *American Archives*, 4th Series, I, 808.

Lord Dunmore, who directed Lewis to join him at the Little Kanawha instead of the Great Kanawha, a change which was not possible at the advanced stage reached by the southern division.[28] As soon as preparations were far enough along, Colonel Charles Lewis was sent on with his Augusta men to build a small storehouse at the mouth of Elk River, and to make canoes for the transport of the supplies to the Ohio. He left Camp Union on September 6, taking with him 500 packhorses carrying 54,000 pounds of flour and 108 beeves, besides a quantity of salt and some tools.[29] Later in the same day, Colonel Christian arrived at the rendezvous, after some delays connected with the supplies.[30] He discovered that Lewis expected to march in a few days, but that he was to stay behind and bring up the rear. Of course he could not foresee how vitally important this was to prove later, and at the time was somewhat dissatisfied.[31]

Among those closely connected with all the arrangements, Colonel William Fleming was naturally among the foremost. Because Colonel Lewis, the County Lieutenant of Botetourt, was at the head of the entire army, Fleming, who had been second in command, was now in full charge of the troops from that area. He had under him a total of 500 men, plus eleven captains, eleven lieutenants, ten ensigns, thirty-eight sergeants, two fifers, and three drummers.[32] He reached the camp on August 29, and took an active part in completing the arrangements for the expedition. On September 4, he wrote his wife that he was uncertain

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[28] Lewis to Preston, Camp Union, September 8, 1774, Thwaites and Kellogg, *Dunmore's War*, pp. 190-92. "Fleming's Journal," *ibid.*, pp. 281-82, describes the Indian alarms during the first days in camp.

[29] Christian to Preston, Camp Union, September 7, 1774, *ibid.*, p. 185. Also "Fleming's Journal," *ibid.*, p. 282.

[30] Christian to Preston, Head of Rich Creek, September 3, 1774, *ibid.*, pp. 176-77. The lead used by the expedition came from the mines at Fort Chiswell on the New River, and the powder was manufactured near the Natural Bridge in Augusta (now Rockbridge) County. The cattle were from the southern counties west of the Blue Ridge, and the flour was ground on water mills in the Shenandoah Valley. Lewis, p. 29.

[31] Christian to Preston, September 7, 1774, *op. cit.*

[32] An undated return of the Botetourt Regiment, Thwaites and Kellogg, *Dunmore's War*, p. 415. Generally speaking, there seems to have been an excess number of officers in proportion to the rank and file on the expedition. In Fleming's case, this is not so noticeable, though even here it is apparent. Perhaps the reason for this was the large group of younger members of leading families—Lewises, McClennahans, etc.—who participated in the campaign.

when he was to march. At the same time, he tried to reassure Mrs. Fleming as to her own safety, as there were no more than two parties of three or four Indians each close to the settlements, and Colonel Lewis had ordered three men to "Belmont" (the Fleming home) in case danger should arise. He reported that he had been in good health since he left Botetourt, and was not at all uneasy except for his horses which had wandered away. He closed his letter with a very personal touch: "I have nothing more particular to write but Sentiments not proper to commit to paper."[33] Three days later, the Botetourt colonel sent word to his wife that her brother, Colonel Christian, had arrived safely, and that the horses had returned. He told her that Colonel Charles Lewis left the day before, that he was to march "next Monday," and that Christian was to follow a short time afterwards. "If I have an Opportunity," he said, "I will write before we march, if not I recommend You & the Family to the Protection and Guidance of Divine Providence."[34]

Colonel Lewis marched out of Camp Union on September 12, taking with him the Botetourt troops and several of the independent companies, together with 200 packhorses laden with flour and a drove of beeves.[35] He left Colonel Christian and his Fincastle men to wait for the return of the packhorses taken by Colonel Charles Lewis the week before so that more supplies might be carried on them.[36] The march from the camp on the Greenbrier to the junction of the Great Kanawha and Ohio Rivers was a difficult one, for there was no trail of any kind and few white men had ever gone down the Kanawha Valley. The route was 160 miles of trackless forest, rugged and mountainous, though some time was saved by following Indian paths at the bases of the hills instead of going along the river banks so as not to have to cross or skirt around creeks

[33] Fleming to Mrs. Fleming, "Union Camp on the Levels Green Brier," September 4, 1774, *ibid.*, pp. 181-82.
[34] Fleming to Mrs. Fleming, Camp Union, September 7, 1774, *ibid.*, pp. 183-84.
[35] Alexander S. Withers, *Chronicles of Border Warfare*, ed. Reuben G. Thwaites (Cincinnati, 1895), p. 167.
[36] Christian to Preston, Camp Union, September 12, 1774, Thwaites and Kellogg, *Dunmore's War*, p. 196.

and ravines. Wagons were impossible, and all the provisions were transported on packhorses. The army had been assembled so hastily that supplies were not overly abundant, and there were no spirit rations or tea or coffee. Yet the men reached their destination in good condition after their long, hard march through the wilderness.[37]

Colonel Fleming's entries in his Orderly Book give an excellent idea of the type of country traversed during this march. He noted many details which would have escaped the eye of a less observant person, and in numerous instances the items recorded reflect an interest in the land itself—the soil, the trees, the water. Fleming was particular, too, to note down the distances covered each day, and it has been remarked that he was astonishingly accurate in his computations.[38] The first few days the army passed through meadow lands, then it marched "over two smart hills to a Savannah, or Meaddow ground," and after that the way seemed to be mostly "steep little ridges," "broken ridges," and "sharp declivities." As the Alleghany Mountains were approached and crossed, there were "sudden & frequent Showers of Rain as is usual near these Mountains." The Gauley River was one which could not be avoided, though it had "a stony ugly foarding," and "the Banks that have been washd by the floods discover not above half a foot of soil, & then a white or reddish sand & Clay or grity earth." On September 21, "the mountains begun then to fall away, and the bottom to Open. these Creeks in the bottom are stocked with Sugar, Papa trees, & beech, flowing Poplar, & leather wood. some peavine & buffaloe grass." The same day Fleming found pieces of coal which had been washed out of the ground and which burned very well; and there were "two curious Springs, the Vapour of which kindles quick as Gunpowder & burns with a surprising force," though the water "tasted unctious."[39] If

[37] John P. Hale, *Trans-Allegheny Pioneers, Historical Sketches of the First White Settlements West of the Alleghenies, 1748 and After* (Cincinnati, 1886), pp. 182, 184. Withers, p. 165.

[38] Virgil A. Lewis points out, p. 37, that the distance Fleming gives for the march down the Great Kanawha from the mouth of the Elk to the Ohio is 57¾ miles, while the actual railroad distance is 57 miles.

[39] "Fleming's Journal" and "Fleming's Orderly Book," *op. cit., passim.*

comments such as these seem unusual for a frontiersman at such a period and on the march to battle, it should be remembered that Fleming was a gentleman with a European background of culture and education. All his training and experience tended to make him observant of his surroundings, aside from a possible future interest in the land.

On the 23rd, after marching 108 miles in twelve days, the army joined Colonel Charles Lewis and his men at the junction of the Elk and Kanawha Rivers. There a week was spent in making canoes, storing some of the supplies in a magazine built for them, and completing all arrangements for the final lap of the journey.[40] Colonel Fleming took advantage of the pause in his trip to let his wife know that he continued in good health, and that nothing extraordinary had happened as yet. He said that the men would have eighteen large canoes loaded by the 29th, and that the march would be resumed the next day.[41] The troops were formed in two columns, the Botetourt ones on the right and the Augusta ones on the left, and the bullocks and packhorses were placed between the front and rear divisions, with each flank covered by a hundred men. Enroute some trouble was experienced with upset canoes—and consequently wet flour—and Fleming noted that, "Desertion from the different Troops has been pretty frequent sence we left the Levels, and likewise thefts of Flour & provisions." On October 5, "the hills came so cloase to the river that the two Colums were oblidged to march in One path." Then, on the 6th, after passing through many defiles and crossing many runs with steep, difficult banks, the army entered a bottom which extended nearly four miles to the junction of the Kanawha with the Ohio.[42] On this point—Point Pleasant—the Virginians camped for three days. A message from Lord Dunmore was found lodged in a tree, directing Lewis to march his force to meet the northern division farther up the river. This did not

[40] "Fleming's Journal" and "Newell's Orderly Book," *passim*. There were in camp 977 men and 165 officers, or a total of 1,142.
[41] Fleming to Mrs. Fleming, Mouth of Elk River, September 27, 1774, Thwaites and Kellogg, *Dunmore's War*, pp. 212-13.
[42] "Fleming's Orderly Book," *op. cit., passim*.

suit at all, and Colonel Fleming wrote that such a change of route would cause great discontent among the men, as the mouth of the Great Kanawha was regarded as a considerable pass into the settlements, and leaving it would expose families and friends to the invasions of the Indians.[43] This was the situation, then, on the night of October 9, and the events of the next day put such an entirely new face on things that no decision as to routes had to be made.

Fleming remarked, in the letter sent from Point Pleasant, that, "Our rear of 200 & odd men are within 60 miles of us." This was a reference to Colonel Christian's force, which had been left at Camp Union, but which was rapidly overtaking the main army. As a matter of fact, the task of gathering and convoying supplies had been accomplished so successfully that on October 9, Christian was within fifteen miles of the encampment at Point Pleasant.

THE BATTLE OF POINT PLEASANT

The Indians had watched the progress of Lewis' march from the tops of hills along the way and had carried the news of his advance back to their villages on the Pickaway Plains west of the Ohio River. The Shawnee chief, Cornstalk, after an unsuccessful effort to pacify his people, gathered his warriors to attack the white men at Point Pleasant before they could join Lord Dunmore. The redmen silently approached the Ohio, and after dark on the evening of October 9, crossed the stream on seventy-nine rafts three miles above Lewis' camp. Then they crept through the dense growth along the east bank, and were ready to surprise the Virginians at daybreak, when there occurred one of those unforeseen happenings which upsets the best laid plans and adds spice to history.[44]

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[43] Fleming to Col. Adam Stephen, October 8, 1774, Thwaites and Kellogg, *Dunmore's War*, pp. 236-37.

[44] There are numerous contemporary sources on the Battle of Point Pleasant, chief event of Dunmore's War. Some of these of a manuscript nature have already been listed. The "original report" written on the ground the morning after the encounter is quoted under the caption "Materials for History" in *Niles' Weekly Register*, XII (1817), 145-46, and is reprinted in *The Virginia Historical Register*, V, (1852), 191-93. There were widely published accounts of the Battle. The first was written by Capt. Thomas Slaughter, commander of the Dunmore Volun-

Early on the morning of Monday, October 10, 1774, a clear, autumn day, two soldiers left camp and proceeded up the river in quest of deer. When they had gone about two miles, they unexpectedly came in sight of a large number of Indians, who fired on the hunters and killed one of them. The other escaped unhurt and ran swiftly back to camp to warn the army. The news was confirmed almost immediately by several others, and a general call to arms was sounded. "Colo A. Lewis ordered 300 Men from the two Lines of Augusta & Botetourt Forces to go in Quest of the Enemy, little Imagining as we afterwards found it to be the Case that we were to engage the whole United Force of the Enemy Ohio Indians. we Marched from Camp in two lines," Col. Charles Lewis advancing with 150 men along the foot of the hills on the right, and Col. Fleming leading a like force along the bank of the Ohio on the left. "about 3/4 of a mile from Camp, the Indians began the attack on the right & in a Second of time the Left line was Attacked."

The troops were met by a withering fire from the Indians, who had taken positions behind a rude breastwork of trees, old logs, and bushes. Col. Charles Lewis fell mortally wounded at the first onslaught, and shortly afterwards Fleming was seriously hurt, so that both lines gave way and were falling back on the camp when they were met by Col. Field with reinforcements. The whites rallied and the engagement became general, with furious fighting on all sides. "Never did Indians stick closer to it, nor behave bolder." They formed a line across the peninsula from the Ohio to the Kanawha and cut off any possibility of retreat for the Virginians. "The Engagement lasted from

teers. This he sent to his brother in Culpeper County, who received it November 2 and sent it the next day to William Rind and John Pinkney, the publishers at Williamsburg of the *Virginia Gazette*, in which it appeared November 10. The *Pennsylvania Gazette* had a full account the following week, and the *Royal American Magazine* of Boston, Mass., contained details of the conflict in its November number, pp. 438-39. The story went across the ocean in the good ship 'Harriott,' Capt. Lee, and the *London Daily Advertiser* had a lengthy article on the Battle during January, 1775. The same week the Belfast, Ireland, *News Letter* published it, and in January the *Scots Magazine* of Edinburgh had a full account. French and German newspapers likewise published extended items describing the Battle. Samuel Kercheval's *A History of the Valley of Virginia* quotes in full the accounts of the Rev. Mr. Doddridge (pp. 99-105) and the Rev. Mr. Jacobs (pp. 105-24). Capt. John Stuart's account was written later for his *Memoir of Indian Wars, and Other Occurrences;* it appears in *The Virginia Historical Register,* V (1852), 181-90, and in Lewis, pp. 47-48.

half an hour after sunrise, to the same time before Sunset," when Lewis ordered three companies to go up the river in the shelter of the high bank and undergrowth to fire on the Indians from the rear. The Shawnees thought they were being attacked by Col. Christian's fresh troops, broke, and fled across the Ohio under cover of darkness, and went on back to their villages on the Scioto. Christian heard the firing and hurried his advance, but did not arrive on the scene until midnight, when all was over and there was silence except for the groans of the wounded.[45]

The Battle was a bloody one. Of the whites, eighty-one were killed or mortally wounded, including Col. Charles Lewis, Col. Field, and four captains; 140 were severely or slightly wounded, among them Col. Fleming and three captains. The loss of the enemy could not be ascertained exactly because they always carried off or concealed some of their dead, and in this case threw many into the river. Twenty scalps were procured from the battlefield, and in addition eighty blankets, forty guns, and a large number of tomahawks.[46] Fleming said, "I believe the Indians never had such a Scourging from the English before."[47] Of the three trained physicians with Lewis' Army, one (McClennahan) was killed, and the other two (Fleming and Buford) were wounded. This must have left the wounded in a desperate state, and there is mention of a lack of medicines besides this shortage of doctors to administer them.

The Battle of Point Pleasant was one of the most hotly contested battles between white men and Indians that took place in the history of the country; it was purely a soldier's battle, won by hard individual fighting.[48] It was the only

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[45] "Fleming's Journal," "Fleming's Orderly Book," and a general fusion of many contemporary accounts. The quotations are from Fleming's letter to William Bowyer, Thwaites and Kellogg *Dunmore's War*, pp. 254-56.

[46] Lewis, pp. 49-50; letter from Staunton, November 4, 1774, reprinted from *Pennsylvania Gazette* of November 16 in *American Archives*, 4th Series, I, 1017. The articles captured from the Indians were sold at auction and brought 74.4.6. See Waddell, p. 137, and Hale, p. 199.

[47] Fleming to Bowyer, Thwaites and Kellogg, *Dunmore's War*, p. 256.

[48] A vivid description of the Battle is given by Peyton, who was not a participant, but who used the narratives, anecdotes, and reminiscences of those who were familiar with the events as they occurred. He says: "It was, throughout, a terrible scene—the ring of rifles and the roar of muskets, the clubbed guns, the flashing knives—the fight, hand to hand—the scream for mercy, smothered in the death-groan—the crashing through the brush—the advance—the retreat—the pursuit, every man for himself, with his enemy in view—the scattering

victory gained over a large body of Indians by a force only slightly superior in numbers.[49] The Indians in the conflict were the flower of the tribes engaged, and were commanded by Cornstalk, the great Shawnee war chief, who was aided by his son Ellinipsico, the Delaware Red Hawk, the Wyandot Chiyawee, and the Cayuga Chief Logan who had personal reasons for desiring revenge on the white men.[50] A curious feature of the Battle, too, was the near relationship of many officers in the army to each other. It was almost a family feud with the savages.[51]

CLOSE OF THE CAMPAIGN

For several days after the Battle, Col. Lewis was busy burying the dead, caring for the wounded, constructing a storehouse and breastworks for the use and protection of those unable to move, and reorganizing the army so that each company would have officers to take the places of the killed and wounded. Early on the morning of the 13th, the messengers sent to inform Lord Dunmore of the en-

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on every side—the sounds of battle, dying away into a pistol-shot here and there through the wood, and a shriek—the collecting again of the whites, covered with gore and sweat, bearing trophies of the slain, their dripping knives in one hand, and rifle-barrel, bent and smeared with brains and hair, in the other. No language can adequately describe it." J. Lewis Peyton, *History of Augusta County, Virginia* (Staunton, 1862), p. 197.

[49] Roosevelt, I, 233. Fleming made two different estimates of the number of Indians in the Battle. In a letter to his wife, he said: "the Indians were computed at 1000." Then in a letter to William Bowyer, he remarked: "We had t or 800 Warriors to deal with." Thwaites and Kellogg, *Dunmore's War*, pp. 254, 256.

[50] Monette, I, 381; Peyton, p. 158.

[51] Lewis explains these in an appendix to his history of the Battle. Col. Andrew Lewis had with him at Point Pleasant his brother, Col. Charles, and three sons, Capt. John, privates Samuel and Thomas. Charles, idol of the army and the beloved youngest of five brothers, died in the first volley; Samuel was among the wounded. Capt. John Lewis of Augusta was the son of another brother, Thomas, and therefore nephew to both Andrew and Charles and cousin to the other John. Col. Charles Lewis had married Sarah Murray, half-sister of Lt. Charles Cameron of his own regiment, and full sister of Capt. John Murray—all three brothers-in-law were killed in action. Major Thomas Posey, Commissary General, had married a daughter of Sampson Mathews, Commissary of the Augusta regiment, who was a brother of Capt. George Mathews of that group. Col. Fleming of Botetourt married a sister of Col. Christian of Fincastle, so they were brothers-in-law. Col. Christian and Capt. William Campbell of his battalion had both married sisters of Patrick Henry and so were brothers-in-law. When Capt. Campbell died, his widow became the wife of Capt. (then Genl.) William Russell of Fincastle, who thus became a brother in-law of Col. Christian, Capt. Alexander McClennahan of Augusta was a brother of Capt. Robert McClennahan of Botetourt. He had married a daughter of Thomas Lewis, brother of Col. Andrew and Col. Charles, both of whom were thus his uncles by marriage, and he himself was a brother-in-law of Capt. John Lewis of Augusta. John Frogge, sutler of the Augusta Regiment, had also married a daughter of Thomas Lewis, and was therefore a brother-in-law of Capt. McClennahan. After Frogge's death in the Battle, his widow married Capt. John Stuart of Botetourt, and thus Col. Andrew Lewis became his uncle by marriage and Capt. John Lewis of Augusta his brother-in-law. Capt. Evan Shelby of Fincastle had for lieutenant his own son Isaac, and Valentine Sevier of Shelby's company was brother to Lt. John Sevier of Fincastle. This might be kept up until a large part of the army was related by blood or marriage.

counter with the Indians returned with instructions for Lewis to march towards the Shawnee towns and join the northern division on the way. Preparations were hurried along, and on the 16th the horses were gathered in, sixty of them selected to carry flour, and the rest divided among the companies to transport the tents and baggage. The next day the troops left the camp, and by nightfall the only ones left were the wounded and a small garrison to guard them and their supplies. Lewis took with him 1,150 men, ten days' rations, and 118 beeves. On the morning of October 18, he marched off to join Governor Dunmore.[52]

That gentleman had not been idle during the marching and fighting of the southern army. He had gathered nearly 1,200 men, including the militia from Frederick, Berkeley, and Dunmore (now Shenandoah) Counties led by Col. Adam Stephen, besides the men who had gone out previously under Major McDonald and Capt. Crawford. With this force he had descended the Ohio from Fort Pitt in a hundred canoes and several large boats, erected a stockade fort at the mouth of the Hocking River (called Fort Gower in honor of a noble friend of Dunmore's in the House of Lords), left it in charge of a detachment of provincials, and marched westward across the country to the Scioto, where he camped a few miles from the Shawnee villages.[53] The Indians, after the bloody battle with Lewis' army, sued for peace with Lord Dunmore and obtained a temporary armistice from him after the destruction of several of their towns. Thus it was that when the southern division came near Dunmore's camp, all ready to go on to crush the enemy for good, it was met with the astounding news that the war was over. The Governor sent Lewis orders to halt until further directions and to observe the armistice. Lewis could not believe his senses—so much work and so many losses to go for nothing—and continued towards the main body of troops. A second peremptory command was similar-

[52] "Fleming's Journal," "Fleming's Orderly Book," and "Newell's Orderly Book," *op. cit., passim.*

[53] Withers, p. 164; Monette, I, 381; Lewis, p. 23.

ly disregarded, and it took a personal visit from Dunmore to halt the advance.[54]

A council with the Indians was held in the center of His Lordship's camp, and the terms of peace were soon arranged. There were nine sections to the treaty of Camp Charlotte, the cumulative effect of which was to deprive the Indians of that for which they had been fighting. Specifically, the redmen were to give up all prisoners and never again wage war; to surrender all negroes, horses, and valuable effects taken; no longer to hunt or visit on the south side of the Ohio except for trading, and no more to molest boats ascending or descending the river; to agree to trade regulations established later; and to deliver up hostages as guarantees of faith. In return, the Governor pledged that no whites would be permitted to hunt on the north side of the Ohio.[55] On October 25, therefore, Dunmore thanked Lewis for his services and ordered him to lead his army back to Point Pleasant, which was reached on the 28th.

Meanwhile, the garrison left at the mouth of the Great Kanawha had been under the command of Col. Fleming, though he was just recovering from his wounds. The day after Lewis left on his march to meet Lord Dunmore, Oc-

[54] There were definite suggestions as to the motives for Dunmore's conduct throughout the entire period. In the first place, he failed to meet Lewis at the mouth of the Great Kanawha as planned. Then he embraced the Indians' overtures of peace with great readiness, and the terms were distinctly friendly. The Governor was suspected of having brought on the conflict in order to distract the attention of the Virginians from the impending struggle with Great Britain. It was thought by many, including George Washington and John Marshall, that His Lordship received from London orders to terminate the war speedily in such a manner as to line up the Indians with the Government against the Colonials in case of a clash and that his conduct merely carried out these instructions. There is, however, no reason to suppose that Lewis believed Dunmore guilty of treachery during the campaign. It was only later that the charge of false dealing was brought into the open—after the Virginians had become enraged by Dunmore's actions on the coast and looked askance at all his past performances. See Withers, pp. 178-81; Monette, I, 385-86; Roosevelt, I, 224. Capt. John Stuart wrote in 1798: "I have since been informed by Col. Lewis, that the Earl of Dunmore (the King's Governor) knew of the attack to be made upon us by the Indians at the mouth of Kanawha, and hoped our destruction, this secret was communicated to him by indisputable authority." "Narrative of Col. John Stuart, of Greenbrier," *William and Mary College Quarterly Historical Magazine*, XXII (1914), 232. Another writer reasons at length as to Dunmore's thoughts on the advantages of having Lewis' army crushed. J. T. McAllister, "The Battle of Point Pleasant," *The Virginia Magazine of History and Biography*, IX (1902), 396-402. Against these suggestions is the series of resolutions adopted by the officers of Dunmore's army at Fort Gower on November 5, after the conclusion of the campaign. They expressed the greatest respect for the Earl and said he underwent the campaign from no other motive than the true interests of the country. John B. Dillon, *A History of Indiana* (Indianapolis, 1859), pp. 97-98; Lewis, p. 86.

[55] Thwaites and Kellogg, *Dunmore's War*, pp. 304, 386; Lewis, pp. 55-56. Logan refused to attend the council at Camp Charlotte, but Cornstalk was there and made a speech which was praised by men who had heard Patrick Henry and Richard Henry Lee as superior in dignified delivery.

tober 19, there were in the camp twenty-five officers, 170 men fit for duty, and 114 wounded. Nine days later, when Lewis returned, there were still seventy on the inactive list as a result of the Battle.[56] Between those times, the troops able to work spent many hours completing the breastworks on the Point and scouring the nearby woods for game.[57] Fleming himself was able to do little. He had been very severely wounded; two balls struck his left arm below the elbow and broke both bones, and a third entered his chest and pierced the lungs. He wrote later: "when I came to be drest, I found my Lungs forced through the wound in my breast, as long as one of my fingars. Watkins Attempted to reduce them ineffectually. he got some part returned but not the whole. being in considerable pain, some time afterwards, I got the whole Returned by the Assistance of one of my Own Attendants. since which I thank the Almighty I have been in a surprizing state of ease. Nor did I ever know such daingerous wounds, Attended with so little inconvenience."[58] Indeed, Fleming had a miraculous escape, for Col. Christian, his brother-in-law, fully expected him to die,[59] and in at least two accounts he was reported to have died after the Battle.[60]

It is not surprising that the anxiety of the people at home, awaiting news of the outcome of the expedition, was terrible. The Augusta County court met on October 18, but no business was transacted until word of the victory came. Staunton was much aroused by the story of a child who awoke from sleep three times on October 10 screaming that

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[56] Morning Returns, October 19 and 28, Thwaites and Kellogg, *Dunmore's War*, pp. 418-20.

[57] "Fleming's Orderly Book" and "Newell's Orderly Book," *op. cit., passim.*

[58] Fleming to William Bowyer, merchant in Staunton, n.d., Thwaites and Kellogg, *Dunmore's War*, p. 255.

[59] Christian to Preston, Point Pleasant, October 15, 1774, MS, Campbell-Preston Papers, Library of Congress, I, 46-47. "Colo. Fleming was shot with three balls, two in the left arm and one in the left breast, while speaking to his division in a peace of clear ground, with great coolness and deliberation he stept slowly back and told them not to mind him but to go up and fight. Poor Col. Lewis soon after he reached the camp died & I fear poor Fleming will. I hope and fear for him many times in ye day."

[60] A letter from Williamsburg dated November 10, 1774, found a century later in the British Museum, said: 'The account further says that Colonel Fleming and several others are since dead of their wounds." Peyton, p. 161. A list of killed and wounded in the Battle included this item: "Captain W. Fleming, (since dead,)." *American Archives*, 4th Series, I, 1018.

the Indians were killing her father.[61] A series of letters from the outlying regions reporting new attacks and killings by the Indians could scarcely have brought comfort.[62] Great must have been the relief, then, when accounts of what went on at Point Pleasant came through to the home-people.[63] Fleming wrote his wife on October 13 to convince her that he was still among the living. He described the Battle briefly, then said: "I Bless God my wounds are in a good way. if it please God to spare me I propose coming in to the Inhabitants the first Opportunity."[64] A fortnight later, John Madison wrote encouragingly to Mrs. Fleming: "Colo. Flemings behaviour on that day was an Honour to him and all his Connexions it is true he received three wounds two in his left Arm and a Slight one in his Brest, but I have the Inexpressible Pleasure of Assuring you they are not Mortal. Every Letter Confirms this Acct."[65]

Fleming himself was preparing to travel homewards as soon as possible. He allowed one day to elapse after Col. Lewis returned to the camp at Point Pleasant before he sent off home some of his baggage, and he started himself the third morning, October 31, in a canoe with four watermen. It took three days to reach the Elk River, where horses were collected for use the rest of the way. Steady progress was made each day thereafter, in spite of rain and a snow which covered the ground to a depth of an inch and a half. As on the outward journey, the party "Crosd many Chesnut ridges & steep pinches," and on November 10 Fleming discovered that he had a fever which increased very much as a result of inflamed wounds. The next day "the Arm sweld greatly and the most Violent Shooting flying pains in my hand fingers," and he was bled, though the fever and pain continued for some hours afterwards. Then it snowed again, and Fleming rested a day on How-

[61] Waddell, pp. 136-37, 139. It was later discovered that the child's father, John Frogge, was among those killed at Point Pleasant.
[62] A series of letters from Major Campbell and others to Col. Preston. Thwaites and Kellogg, *Dunmore's War*, pp. 208-12, 226-35, 238-52.
[63] Capt. William Ingles to Preston, October 14, 1774; Capt. John Floyd to Preston, October 16; Isaac Shelby to John Shelby (nephew to uncle) October 16; Preston to Patrick Henry, October 31, *ibid.*, pp. 257-59, 266-77, 291-94.
[64] Fleming to Mrs. Fleming, October 13, 1774, *ibid.*, pp. 253-54.
[65] Madison to Mrs. Fleming, around October 31, 1774, *ibid.*, p. 279.

ard's Creek. On the 20th he reached Botetourt County Court House (Fincastle), where he stayed over the 21st, a day of rain, sleet, snow, and hail. On November 22, he negotiated the last lap, and "Reach'd home in safety being Just 3 months gone Praise be to God."[66] He stayed there for the next few years, trying to regain the strength and health which was ever after a matter of concern in his life.

John Harrower, tutor to the youth of the Daingerfield family near Fredericksburg, writing to his wife in Scotland on December 6, 1774, referred to Dunmore's War as "a hote war" on the frontier. This was perhaps as good a way as any to characterize what Waddell called "one of the most noted conflicts that ever occurred between Indians and white men."[67] The War cost Virginia £350,000 in Colonial currency. There was some difficulty about the pay of the soldiers, but a scale of compensation was finally fixed. The commander got £1.5 a day, county lieutenants £1, colonels 15/, captains 10/, and on down to privates 1/6. Fleming was granted £500 instead of a pension as recompense for his gallant service and the wounds he received, rendering him unable to practice his profession as a surgeon.[68]

The War was ended in less than six months time with results of considerable importance. Not only was the loss of life less than in any previous encounter with the Indians, but the practical outcome was notable. The victory at Point Pleasant effectually removed immediate peril from the people in the border country; it kept the tribes quiet for the first two years of the Revolution, rendered possible the settlement of Kentucky, and some writers have held that it made feasible the winning of the West.[69]

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[66] "Fleming's Orderly Book," *ibid.*, pp. 356-60.

[67] Waddell, p. 137.

[68] Lewis, pp. 74, 128.

[69] See, for instance, Roosevelt, I, 240. "Had it not been for Lord Dunmore's War, it is more than likely that when the colonies achieved their freedom they would have found their western boundary fixed at the Alleghany Mountains." Opposed to the group who emphasize the importance of Dunmore's War and the activities of George Rogers Clark, is Samuel Flagg Bemis, who submits evidence that the western boundary was fixed irrespective of these events. Samuel F. Bemis, *The Diplomacy of the American Revolution* (New York, 1935), p. 219n.

Virginia Takes the Road to Secession*

By Robert J. Largent

From the days of the New England Confederation and the social upheaval in Virginia under the leadership of Nathaniel Bacon there have been in active operation on this side the Atlantic two opposing political forces: one, centrifugal, inclining in the direction of particularism and decentralization; the other, centripetal, tending towards unification and consolidation. Perhaps no section has furnished us with a better illustration of the workings of these contending forces than has Virginia, both as a colony and as a state. For example, note the seemingly abrupt change in her attitude at the outbreak of the Revolutionary War. On August 26, 1775, a convention representing the entire colony of Virginia solemnly passed the following resolutions: ". . . we again, and for all, publicity and solemnly declare, before God and the world, that we do bear faith and true allegiance to His Majesty, George the Third, our only lawful and rightful king; . . ." And then on May 15, 1776, another convention just as deliberately, if not so solemnly, passed these resolutions: "Wherefore, appealing to the Searcher of hearts for the sincerity of former declarations expressing our desire to preserve the connection with that nation, and that we are driven from that inclination by their wicked councils and the eternal law of self-preservation:

"Resolved, unanimously, That the Delegates appointed to represent this colony in General Congress be instructed to propose to that respectable body to declare the United States free and independent States, . . ."[1] This change of

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* An address delivered before the annual meeting of the West Virginia Historical Society at Charleston, November 15, 1941.

[1] C. R. Lingley, *Transition in Virginia from Colony to Commonwealth*, 158 et seq.

view-point was due, in a large measure, to the fact that the sentiment of the dissenting, non-English stocks of the hinterland had found effective expression through the medium of the facile pen of the "Sage of Monticello" and the eloquent voice of the hero of "The Parson's Cause." With the formation of a national government this frontier doctrine of particularism came to be known as States Rights while the opposing theory came into prominence as Nationalism.

During the Federalist regime the centralizing tendencies went forward so alarmingly (reaching their climax in the Alien and Sedition Acts of 1798) that Jefferson and his friend, Madison, were impelled to issue a protest known as the Virginia and Kentucky Resolutions, in which the residuary rights of the several states were strongly emphasized. It has been the custom of many historians to regard these resolutions as the embryo out of which developed the theory of Nullification in 1832 and the doctrine of Secession in 1860. Von Holst, who heard the "rebel yell" every time he glanced at these resolutions, would have us believe that Thomas Jefferson begot John C. Calhoun and John C. Calhoun begot Jefferson Davis—thus making the author of the Kentucky Resolutions the political grandfather of his namesake, the President of the Southern Confederacy.

As a result of the War of 1812, Jeffersonian individualism lost much of its former appeal while the growth of the nationalistic spirit was tremendously accelerated. Hand in hand with the centralizing tendencies of the war went the nationalistic decisions of the United States Supreme Court under the guiding influence of Chief Justice John Marshall. One of these, *Cohens* vs. *Virginia,* provoked such bitter opposition in the Old Dominion that Spencer Roane, under the nom de plume, Algernon Sidney, caustically attacked the court for the assumption of unconstitutional authority, and according to Jefferson, "pulverized" the arguments of Marshall who felt obliged to defend the position of the Federal Judiciary. It was this wordy battle

between these two great jurists that inspired John Taylor of Carolina to set forth his theory of the Constitution in a series of three publications: "Construction Construed" (1820); "Tyranny Unmasked" (1822); and "A New View of the Constitution" (1823). This modern John the Baptist, crying aloud in the constitutional wilderness, was the forerunner of the South Carolina political metaphysicist whose abstruse and perplexing reasoning is the despair of anyone who undertakes to unravel the tangled threads of our constitutional history in the period from the triumph of Jacksonian democracy to the Compromise of 1850.

Virginia refused absolutely to take her stand with the extremely radical states of the South against the peaceful settlement of 1850, but numerous occurrences of an irritating character during the following decade produced a noticeable change in her attitude toward the leading issues of the day. She was especially exasperated by the rabid speech-making frequently indulged in by the more violent type of New England abolitionist. In an address delivered at Boston after the Harpers Ferry fiasco, a Mr. Griffin declared that, "The heinous offense of Pilate in crucifying Jesus whitened into virtue when compared with that of Governor Wise in his conduct toward John Brown." At about the same time, Wendell Phillips, speaking in Beecher's church, Brooklyn, opined that John Brown had just as much right to hang Governor Wise as the latter had to hang John Brown, and that "On the banks of the Potomac history will visit that river more kindly because John Brown has gilded it with the eternal brightness of his glorious deed, than because the dust of Washington rested upon the side of it."[2] Expressions of this character were abhorrent to the people of Virginia but were believed to be truly representative of northern opinion and northerners were judged accordingly.

In spite of a deep feeling of sympathy for the grievous plight of her daughter-states to the southward, Virginia

[2] J. H. Claiborne, *Seventy-Five Years in Old Virginia*, 142.

was reluctant to join any movement looking to the dissolution of the Union. Virginians regarded themselves as owing a three-fold allegiance: first, to the Federal Government; second, to the Old Dominion; and third, to the "Cotton Kingdom." They had sincerely loved the Union. Had they not played a leading role in its formation? Had they not been its mainstay from the Revolution down to 1825? Had they not furnished the Chief Executive for 32 years out of the 36 of its existence? Had they not contributed their ablest statesmen to the National Congress and Judiciary? Virginians revered their state and held States Rights to be inviolable. Had not their most distinguished leaders enunciated the doctrine in 1798? And had not the voters of the nation expressed their unqualified approval of the principle in the democratic revolution in the election of 1800? Virginians deeply sympathized with the "Cotton States." Had they not contributed generously of their citizenry and their counsel toward the settlement and establishment of all the commonwealths south of the "Dividing Line?" Had they not loyally supported the leadership of South Carolina and Mississippi after the scepter of national power was transferred from the Old Dominion to the Palmetto and Bayou States? Had not the social, economic, political and institutional interests of Virginia always been inseparably interwoven with the general welfare of the Southland?

It was this community of interests, this solidarity, that the North was unable to fathom; could never interpret aright. There had always been sectionalism at the North, but the filio-pietistic philosophy of New England, even in its palmiest days, was not comparable to the southern conviction that the civilization of the South was far superior to any other that had ever existed anywhere in the world. Unable to comprehend the real convictions of the South, the abolitionists jumped at the conclusion that slavery was at the bottom of it all and belabored the slaveholder unmercifully. And yet in the whole state of Virginia with a white

population of more than a million, there were, in 1860, but 52,128 owners of slaves, and of this number only 114 possessed more than 100 each.[3]

St. Augustine once said: "No man loves what he endures, but he may love to endure." Virginians did not love slavery, but they had come to take a certain amount of pride in allowing the "peculiar institution" to continue to exist. persuading themselves that they were bearing their share of the "white man's burden" in the maintenance of the world's highest civilization.

Those favoring compromise could make no headway. Virginia had been a "house divided against itself" since the close of the French and Indian War, and there was still a great diversity of opinion respecting the nature of the government created in 1787. Some refused to admit that the national government had infringed on the rights of the state in a given case; others insisted on settling their differences inside the Union; and still others ardently advocated the constitutional right of peaceful secession.[4] It was no longer a question of Whig or Democratic doctrine but the problem of maintaining the autonomy of the state. How could its indefeasible rights, guaranteed by organic law, be best preserved? Would it be better to withdraw from a Union, the compact under which it had been formed having been ignored or broken by sundry states, or to remain and avoid the evils which would surely follow a breaking off of Federal relations? Should it be Union or disunion? Secession or revolution?[5]

Virginians were in this confused state of mind when the legislature convened in January, 1860. Governor Letcher recommended the "re-organization of the militia of the State, an enlargement of the Virginia Military Institute, and the purchase of munitions of war." The legislature responded by introducing a bill appropriating "$500,000 for the purpose of arming the State." Speaking on this

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[3] B. B. Munford, *Virginia's Attitude Toward Slavery and Secession*, 125.
[4] C. H. Ambler, *Sectionalism in Virginia*, 336-7.
[5] Claiborne, *Op. cit.*, 142, et seq.

measure in the Senate, Dr. Claiborne of Petersburg declared that the General Government was playing with Virginia "as the cat toys with its helpless victim before licking up the blood of its vitals." He warned them that vacillation, irresolution, or divided counsels would seal the fate of Virginia. He asserted that he repudiated the implication that he was a disunionist, but was unable to close his eyes to the "imminent danger of disunion"; that he would be a false sentinel on the watch-tower if he neglected to sound a note of warning to his people; that disunion was not coming through state legislatures, nor through the Federal Congress, nor through conventions—state or national—but through the people themselves.

> **"It is coming as the taking of the Bastille came upon the quiet and peaceful slumbers of Louis XVI; it is coming as all revolutions come, in a moment, in the twinkling of an eye. It is coming when some bold man for selfish purposes, or smarting under a sense of sectional wrong, shall throw a fire-brand suddenly into elements always smouldering in the South. It is coming when another John Brown comes. It is coming when any one state, having borne the last straw upon its breaking back, shall throw off the load, and walk out of this Confederation; and it is coming in all its horrors, when the General Government shall marshal its forces to coerce such a State into submission. It is coming, I had like to have said, beyond all the powers upon earth or in heaven to prevent, when it is announced that a "Black Republican" President is elected to the command of the Army and Navy of these United States."[6]**

On January 19, 1860, C. G. Memminger, envoy extraordinary from the Sovereign State of South Carolina, addressed the Virginia legislature. He referred to the invaluable services of Virginia to the Union, bitterly denounced the dastardly outrage committed by northern fanaticism at Harpers Ferry, called attention to the mission of Benjamin W. Leigh to South Carolina in 1833 and the respect with which he was treated, spoke of Virginia's refusal to support the stand of South Carolina against the Compromise of 1850, and the acquiescence of the latter state in the judgment of the former, declared that the North

[6] Claiborne, *Op. cit.*, 145, et seq.

had taken possession of the magnificent inheritance of the South,—that both the northwest and southwest legally belonged to the South, but that the greedy North had taken all of the northwest and all the southwest with the exception of Alabama and Mississippi, while the South received only Arkansas and Missouri out of the vast region known as the Louisiana Purchase. He charged that the North had declared slavery a sin despite the fact that Jesus had healed a slave of the palsy and had commanded the faith of the Roman master as greater than any he had found "in all Israel"; that Paul had preached to thousands of slaveholders without uttering one word of reproof; that the North had taught its children from infancy to hate the institutions of the South and had persistently kept alive the elements of sectional strife; that the immense patronage and spoils of government were being used for corruptive purposes; that the Southern States, degraded from their rightful position of equality, were doomed to lose their institutions and must await the inevitable hour with whatever patience they were able to muster. In his peroration he affirmed that the cause of the South was in the keeping of Virginia and that those who were occupying the seats once graced by George Washington and Patrick Henry must not suppose that the question could be decided as any ordinary piece of legislation; that the noble spirits that had consecrated Virginia soil must not have their lustre dimmed through the extinguishing of any of the lights they had kindled. This address must have made a deep impression on the legislature as it ordered 10,000 copies to be printed and distributed among the people of the state.[7]

The presidential campaign of 1860 in Virginia was exciting and hard-fought. Of the total white population, 17% went to the polls to exercise their right of suffrage. The results were as follows: Bell, 74,681; Breckinridge, 74,323; Douglas, 16,190; and Lincoln, 1,929. It was believed for a time that Breckinridge had won and the gov-

[7] C. G. Memminger, *Address Before the Virginia Assembly*, January 19, 1860.

ernor actually issued certificates of election to six of the Breckinridge electors before the final returns showed that Bell had triumphed. The news that Lincoln was victorious in the nation came as a bitter blow to the lovers of peace in Virginia. It was not unexpected, but they had hoped against hope to the very last that something might happen to avert such a catastrophe. To many others it seemed to make no difference as the radicals of the South had already agreed upon secession. Such an opinion was expressed by Robert Scott in a speech at Alexandria, October 10, 1860; although he added: "I believe in no practicability of establishing upon the ruins of the Union an enduring Southern Confederacy. Between the border states and the gulf states there exist too many diversities of soil, climate, and interests."[8] In November, 1860, William L. Yancey wrote to Roger A. Pryor that it was not the intention of the leaders of the secession movement to have Virginia join the Confederacy at the outset but to allow her to remain neutral in order that she might prevent the General Government from coercing the Cotton States.[9]

After the various bodies appointed to effect a reconciliation had exhausted all the means at their disposal and were ready to acknowledge their failure to accomplish anything, the southern members of Congress sent out this appeal to their constituents:

> **"The argument is exhausted. All hope of relief in the Union . . . is extinguished, and we trust the South will not be deceived by appearances or the pretense of new guarantees. In our judgment the Republicans are resolute in the purpose to grant nothing that will or ought to satisfy the South. We are satisfied the honor, safety, and independence of the Southern people require the organization of a Southern Confederacy—a result to be obtained only by separate state secession."**[10]

Another side of congressional life, a serio-comic touch, is portrayed in the following excerpt from the Fredericksburg *News*:

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[8] J. C. McGregor, *Disruption of Virginia*, 98.
[9] *Ibid*, 91.
[10] N. Stephenson, *Day of the Confederacy*. 2.

"When the representatives of the American people in Congress assembled, begin to drop their pistols about like hot potatoes, on the floor of the House, in the course of personal explanations; and when a little accident of this sort is regarded on all sides as the signal for a general set-to, it becomes the spectator in the gallery to secure a good position for dodging. These belligerent episodes on the floor below are produced by spontaneous combustion, and at any moment there is danger that a general discharge of revolvers, carbines, Sharpe's rifles and double-barreled shotguns among the border ruffians of the House may wing and otherwise cripple some of the sovereign people and innocent reporters in the surrounding galleries."[11]

A virile Unionist from western Virginia wrote to the *National Intelligencer* the first week of January, 1861: "Dissolve this Union and hitch Virginia to the tail of a Southern Confederacy to stand guard and play patrol to King Cotton! I drop the pen. I cannot contemplate the picture. I turn with horror from such a sight. Oh! for a Jackson to say and make good the saying, 'The Federal Union, it must and shall be preserved'."[12]

As early as September 17, 1860, the Richmond *Enquirer*, the official organ of the state government, announced that a special session of the legislature would be called for the purpose of considering the sale of the James River and Kanawha Canal Company to French capitalists. It then appended an innocent looking item reading: "Nevertheless it is possible that the legislature on assembling will find even more serious work to do."[13] True to this prediction, Governor "Honest John" Letcher, on November 15, officially summoned the legislature to meet in special session January 7, 1861. The Governor's message was a studied effort to steer between Scylla and Charybdis. After belaboring those who entertained secessionist ideas, he demanded from the Federal Government six guarantees as the price of Virginia's adherence to the Union. These embraced practically all the grievances of the South. They were as follows: (1) repeal of personal liberty laws; (2)

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[11] Fredericksburg *News*, Jan. 17, 1860; quoted from Correspondent N. Y. *Herald*.
[12] McGregor, *Op. cit.*, 86.
[13] *Ibid*, 104.

protection of slavery in the District of Columbia; (3) territories to be thrown open to slavery; (4) unmolested movement of slaves from one slave state to another and through the free states; (5) prohibition of publication and circulation of literature tending to incite slave insurrections; (6) persons known to be hostile to slavery not to be appointed to positions in the slave states.[14]

The legislature promptly went on record as favoring the right of a state to secede and denying the right of the Federal Government to make war against any state or force it back into the Union. It then authorized the election, on February 4, of members to a convention which was to convene on February 13 to determine what action should be taken by the State of Virginia on the question of secession. The convention consisted of 152 members, 79 of whom came from that part of Virginia lying west of the Blue Ridge. At first the result of the election was hailed as a grand Union victory, causing exultation at the North and a feeling of gloom at the South. Of those selected as delegates, 80 had voted for Bell, 35 for Douglas, and 32 for Breckinridge in the presidential contest of 1860. An analysis of the situation would seem to indicate that about one-fourth of the convention favored immediate secession; one-fourth were irreconcilably opposed to a withdrawal from the Union; and the others preferred to await developments and be guided by the trend of events.[15]

Henry A. Wise, Lewis E. Harvie, Robert L. Montague, and George Randolph were the most conspicuous figures on the Secession side, while George W. Summers, John S. Carlile, Sherrard Clemens, and Waitman T. Willey, from the Trans-Alleghany region, and Jubal A. Early, Alexander H. Stewart, John Janney, John B. Baldwin, William B. Preston, and Samuel Moore, from the Shenandoah Valley, were the most prominent leaders among the Unionists. It should be borne in mind, however, that despite these seemingly great differences of opinion regarding the

[14] McGregor, *Op. cit.*, 106.
[15] *Ibid.*, 108 et seq.

Union, there was a practically unanimous belief among the delegates that a state had a perfect right to secede from the Union and that the institution of slavery was sanctioned by the Bible and was therefore a part of the armor of righteousness. It was the duty of the convention to decide whether or not it was expedient for Virginia to exercise her reserved rights and secede from the Union at that particular time.[16]

Those who believed in making haste slowly succeeded in electing John Janney as presiding officer. His address was vague and colorless, marking out no plan of procedure. He certainly asked the impossible when he admonished the delegates that the gravity of the situation required them to discharge their obligation by elevating themselves into an atmosphere devoid of "party passion and prejudice." He appealed to them to conduct their "deliberations with calmness and wisdom and to maintain with inflexible firmness whatever position" they found it "necessary to assume." Just what the speaker meant by this concluding statement no one pretended to know. Its ambiguity was undoubtedly intentional. Neither of the two radical wings was pleased with the non-committal nature of the speech, the extreme pro-Unionists frankly admitting that they had been deceived in their man.

The galleries of the convention hall were filled every day by enthusiastic secessionists who wildly applauded those speakers who assailed the North or censured the Federal Government for its treatment of the South, and just as plainly showed their disapproval of those who had the hardihood to defend the policy of the North. It was on February 14, that the first lively tilt occurred when Samuel Moore made a speech in which he emphatically asserted that he was unalterably "opposed both to running away from the Yankees and to being dragged into the personally conducted Confederacy of South Carolina." Henry A. Wise promptly retorted that no "dragging" would be re-

[16] McGregor, *Op. cit.*, 126 et seq.

sorted to; that when the pyschological moment arrived, Virginia would take action independently of both North and South. Mr. Carlile remarked that the only mention of secession that had come to his notice was a suggestion offered by a delegate of the Alabama convention, to the effect that "if the people did not vote to secede they should be forced into it."[17] At the request of the Governor, the convention listened to speeches, on February 16, by commissioners from certain of the southern states. Mr. Preston, in true southern oratorical style, presented the claims and sentiments of South Carolina. He declared that however far Virginia's sons might wander, their voices were always recognizable because they spoke the ancient tongue of their mother; that he, one of the humblest of her sons, had promised his adopted brethren "that before the spring grass grows long enough to weave a chaplet of triumph, they will hear the stately tramp of a mighty host of men, a sound as if the armies of destiny were afoot, and they will see floating above that host a banner whose whole history is one blaze of glory and not one blot of shame; and coming up from that host they will hear one voice only—the resounding echo of that voice which thundered into the hearts of your Godlike sires, 'Give me liberty or give me death,' and on that banner will be written the unsullied name of Virginia. The world knows her history and knows no history above it in the niche of fame. And knowing it, none dare doubt where Virginia will be found when her offspring, divine liberty, and justice call her to the fight."[18]

Mr. Anderson, who represented Mississippi, stressed the needs of the South and declared that the new Confederacy would be greatly benefited and strengthened if Virginia should cast her lot with the Cotton States. He assured the convention that the destiny of the South was in the hands of the "Mother of Presidents," and that her espousal of the new government would make the revolution a peaceful one.

Mr. Banning, the commissioner from Georgia, assumed

[17] McGregor, *Op. cit.*, 129.
[18] John Goode, *Recollections of a Lifetime*, 17 et seq.

a much bolder tone and more defiant air, asserting that, while it was true that the Southern Confederacy needed the support of Virginia and was depending upon her active assistance, the time would come when Virginia would require the help of her Southern sisters. The effect of these cleverly worded and dramatically uttered addresses was very marked and caused the Unionists much uneasiness; especially since the continued and uproarious applause of the galleries threatened to stampede the convention.[19]

On the same day that the southern orators so deeply stirred the convention, Henry A. Wise wrote to his son that he was confident a considerable number of the members were ready to vote for "abject submission and abolition of slavery," but that because of conversations held with members of the committee on Federal Relations he still had lingering hopes; closing with the following rather melancholy sentence: "I now see that slavery is doomed in Virginia and we have no hope but in actual Revolution."[20]

The machinery of the convention ran along fairly smoothly until February 23, when Mr. Moore, always carelessly indifferent toward the attitude of the radical frequenters of the galleries, aroused the ire of the secessionists in a vigorous and denunciatory attack on the precipitate action of South Carolina, and ended up by introducing a resolution to the effect that Virginia would never join a confederacy that countenanced the slave trade. Mr. Goode replied so eloquently that the galleries were excited to the point of uncontrollability and had to be cleared before the deliberations of the body could be resumed. Mr. Goggin of Bedford County advocated "watchful waiting," on the ground that the Confederacy had not yet proved its stability, and under no circumstances would Virginia raise troops for the Northern army. A representative of the southwestern part of the State, Mr. Sheffey, averred that acts

[19] McGregor, *Op. cit.*, 130.
[20] H. B. Wise, *Life of Henry A. Wise*, 270.

of secession were as unconstitutional as the personal liberty laws of the Northern States.[21]

In a trenchant editorial that appeared in the Richmond *Daily Examiner,* February 28, 1861, both the Virginia convention and the President-elect of the United States were handled without gloves. This rather choice bit of lampoon ran as follows:

> **"The excavation of Herculaneum and Pompeii never brought back to light antiquities stranger and more wonderful than have been thrown to the surface and exposed to the curious, if not admiring, gaze of the present generations, by the great social and political earthquake which has shaken the Union to pieces. As on the face of a huge rock, shaken, split to its foundation by some convulsion of nature, the geologist can point out the various stratifications of which the old red-sandstone is the base, so can the learned political observer detect among the delegates to the Virginia Convention every variety of the smouldering, dead and forgotten enemies of that party which has for sixty years defended the ark and the covenant of States-Rights from every type and form of Federation. Like the fabled vampir, they have left their graves to hold high carnival on the living, though sleeping State, which they believe to have at last secured, a stupefied if not a willing victim. The state which replied to Force bills with those Resolutions which fixed forever Secession to be a right, is now to bend her haughty neck beneath the paw of the Abolition ourangoutang that skulked to Washington the other day from the wilds of Illinois, and who will, in three days' more, be propped in the chair of Washington by the sword of a military dictator."[22]**

Southerners seem to have derived much pleasure from caricaturing Abraham Lincoln. In the same issue of the paper from which the above editorial was taken the Washington correspondent wrote that when a lady was presented to the president and said, "How do you do, Mr. Lincoln?" he replied: "Very well, Madam, how do *you* flourish?" And when George W. Summers, a sturdy Unionist from Virginia, was introduced, the president effusively greeted him with, "How do you do, Mr. Summers? I have hearn tell of you for a long time occasionally." The same correspondent represented the President as being "marked by

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[21] McGregor, *Op. cit.*, 134.
[22] Richmond *Daily Examiner,* Feb. 28, 1861.

a vulgarity and awkwardness which, if he were a black man in Virginia, would exclude him from the rank of household servants, and by an extremity of cowardice which would make him unwilling to go on errands at night by himself."[23] With such pictures as these constantly held up for their contemplation and amusement, it is not to be wondered at that the Southerners could see no possible hope for a continuation of the Union under the incoming administration.

As the time approached for the Inauguration, the nervous tension of the convention perceptibly increased and members became noticeably more irritable. On March 1, Mr. Morton of Orange County praised the quick, bold decision of South Carolina and chided the members of the convention for their "timidity and vacillation." He warned them that the "Black Republican" President would fill all the Federal offices of the South with men who would be unfriendly to Southern institutions and whose every move would be detrimental to the interests of the South. Such a situation could be obviated only by a withdrawal from the Union. He also affirmed that "thirty years ago, the gentleman from Rockbridge County (Mr. Moore) believed that slavery was a moral, religious and political evil . . . that was the belief of hundreds and thousands in the South and in Virginia, who, this day, stand up as firm advocates of the institution as a moral, social and religious institution." In reply, Mr. Moore avowed that he did not regard slavery as an evil; that reflection had satisfied him that a greater blessing had never been conferred by a kind Providence upon any portion of the African slaves than that establishing the existing institution of slavery in Virginia. He was convinced that no laboring class on the face of the earth enjoyed more comforts than the slaves of Virginia.[24]

The views of the western delegates were best reflected

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[23] Richmond *Daily Examiner*, Feb. 28, 1861.
[24] Richmond *Enquirer*, March 2, 1861.

in a long address by Waitman T. Willey of Monongalia County, the substance of which follows:

It was inconceivable that men like Washington, Madison and Franklin had labored merely "to bring the States of the Federal Union together, give them a simple introduction to each other, and place them side by side, under the flag of the country, without any legal bond to bind the Union." No such voluntary association had been formed and such a construction of the Constitution would mean that there never had been a real Union. Was it believable that the Federal Government had purchased "the territory of Louisiana, and the freedom of the mouth of the Mississippi and of the Gulf . . . upon the contingency that the little State of Louisiana might, at her own pleasure, foreclose these great advantages of commerce against all these interior States?" Or that it had secured the territory of Florida at the cost of millions of dollars with the idea that the small State of Florida "might quietly walk out of the Union and leave us the bills to pay?" Or that Texas, acquired at the expense of so much agitation and sacrifice, should whimsically pass out of the Union without let or hindrance on the part of the United States? It was beyond belief to think that the framers of the Constitution had constructed a Union that permitted a State to retire whenever it so desired and throw the entire burden upon the other states.

In 1788, Madison had written to Hamilton: "The Constitution requires an adoption in toto and forever . . . Any condition whatever must vitiate the ratification . . . The idea of reserving the right to withdraw was started at Richmond, and considered as a conditional ratification, which was itself abandoned as worse than rejection."

President Jackson declared: "To say that any State may at pleasure secede from the Union, is to say that the United States are not a nation."

Even in the seceding States, the doctrine was a new one. As late as 1821, South Carolina affirmed herself opposed to "arraying on questions of national policy, the States as distinct and independent sovereignties, in opposition to, or what is much the same thing, with a view to exercise control over the General Government."

Likewise, in the Mississippi Convention of 1851, the following action was taken: "Resolved further, That in the opinion of this Convention, the asserted right of secession from the Union on the part of a State is utterly unsanctioned by the Federal Constitution, which was framed to establish, and not to destroy, the Union of the States, and that no secession can in fact take place without a subversion of the Union established, and which will not virtually amount in its effects and consequences to a civil revolution."

To the argument used in favor of secession that the Northern press, schools, and pulpits had bitterly assailed Southern institutions, the answer was, Secession would not silence these agencies, it would merely aggravate the evil. Secession would not stop the operation of this underground railroad but would make matters worse by bringing Canada to the very threshold of the slave states. If the South was in the minority in the government at Washington, it was due to the folly of some of the Southern States in withdrawing their representatives from their positions in the National Government, thus handing over the control of the General Government to their enemies. Between western and eastern Virginia there was the almost impassable barrier of the Alleghany Mountains, the transpiercing of which was absolutely necessary to the establishment of a direct line of communication and of a more sympathetic understanding between the two sections. As the East had never seen proper to vote legislative aid in the achievement of so desirable an object, western Virginia would be completely isolated and nakedly exposed to the enemies on the north from the very moment that Virginia joined the Southern Confederacy. In his closing sentences, Mr. Willey appealed to the members of the convention for a "square deal": "Will you make North-West Virginia the Flanders of America, and convert our smiling valleys into the slaughter-pens of as brave and loyal a people as dwell in the Old Dominion? I hope not. I think there exists sufficient fidelity to us to justify me in saying, 'no, you never will'."[25] This appeal seems to have served a purpose in holding the Unionists in line but made no converts in the camp of the Secessionists.

A motion by Mr. Turner of Jackson County to appoint a committee to inquire into the feasibility of amending the State Constitution to authorize the taxation of slaves on the same basis as other property having been excitedly voted down there was brought vividly to the minds of the delegates the warning given the East as early as October, 1860, that in the event of the calling of a state convention, the basis of representation would be the first question to be settled, and that the West would be established with nothing but the white basis. Power must also be given the convention to amend the constitution with reference to the exemption of slave property from taxation. Notice was served on the East that the withholding of these rights from the

[25] Waitman T. Willey, *Federal Relations, passim.*

West would mean no union with the Cotton States. Some of the numerous grievances complained of by the people of the Trans-Alleghany region were as follows: (1) Slaves were taxed ten cents, and other property, forty cents, on the hundred dollars; (2) incomes of slaveholders escaped taxation while a laborer earning four hundred dollars a year had to pay a tax of four dollars and eighty cents; (3) a slaveholder with 19 slaves would derive an income of three hundred dollars a year from them and yet would pay no income tax, while a clerk, or a machinist, with an income of eleven hundred dollars would be forced to pay twenty-two dollars and eighty cents; (4) practically all the taxes were expended east of the mountains; (5) no state-constructed canals or railroads were to be found in the western section.[26]

The threats of disunion within the State frightened some, but merely aroused the anger of others. As a rule the eastern newspapers did not take the matter seriously, and a few tried to appear indifferent. For instance, when the New York *Tribune* taunted the leaders of Secession in the convention with their failure to hold the factions together and act with some degree of harmony, the Richmond *Dispatch* defiantly replied: "If western Virginia wants to secede from Virginia, eastern Virginia will neither seek nor desire to coerce her to remain; nor do we believe that if eastern Virginia should wish a division western Virginia would employ coercion toward the East. When the consent of the governed is withdrawn from this government, it claims and will exercise no other power." It was this word "coercion" that was the key to the whole situation. On March 4, Matthew F. Maury wrote that Virginia was not ready to go out of the Union and that nothing short of coercion would cause her to do so.[27]

It was this ghost of "government by force" that stalked around abroad so awesomely in the Southland on the day on which the successful candidates of the new party from

[26] McGregor, *Op. cit.*, 74 et seq.
[27] Munford, *Op. cit.*, 270.

"out of the West" were taking over the reins of government at Washington,—that same government that the masterful Southerners had controlled and administered from the day of its birth. In the eyes of the polished, cultured aristocrats of the South, the rough, untutored Abraham Lincoln was their most implacable foe,—a second George III, bent on depriving them of their most cherished and highly prized political rights. The thought of entrusting the Nation's welfare to such seemingly incompetent leadership was almost unbearable. Everywhere the atmosphere was surcharged with the spirit of revolt. Richmond was agog with excitement and the convention responded to this wave of disunionism which threatened, for a time, to sweep it off its feet. Inspired by the apparent change in sentiment, Mr. Chambless introduced a series of resolutions providing for immediate secession. John S. Carlile, whom the Secessionists regarded as their most dangerous opponents, attacked the resolutions on the ground that they were part of a "firing process" that had been going on since the opening of the convention. He charged that secession had been rejected wherever the people had been given an opportunity to vote on the question, and that those who persisted in their attempts to force the issue were holding the will of the people in "perfect contempt." In commenting on this speech, the Richmond *Enquirer* dubbed Mr. Carlile a "Black Republican," and an enemy of Virginia. In spite of the enthusiasm of the Secessionists, March 4 passed without action on the part of the convention beyond indulgence in a series of radical demonstrations that fell short of their purpose.[28] A goodly number of the newspapers of the State condemned such tactics,—the Richmond *Whig* designating attempts to stampede the convention as "the first movement in Richmond toward a condition of anarchy," and the Alexandria *Gazette* asserting that the introduction of such anarchy "must be universally condemned" and

[28] McGregor, *Op. cit.*, 138 et seq.

would certainly "be rebuked by nine-tenths of the people."[29]

Some advanced the argument that the old Union of their fathers had already been dissolved—yea ruthlessly torn asunder—by northern fanaticism. Therefore the question of secession was not before the people of Virginia. The various commonwealths were in a "state of nature," free to form any kind of government they desired. Virginia's immediate problem was to choose between the Confederate States of the South and the Northern Confederacy. Membership in the former would vastly increase her political power and she would stand forth as the most influential unit in the group. Her material resources would be developed by the friendly hand of the Montgomery Government and her prestige expanded "into the proportions so fondly dreamed of by her patriotic sires." Should she remain in her present situation she would decline, shrivel up; her political leadership would suffer greatly; her material interests would decay; her raw materials, such as leaf tobacco and wool, would be admitted free of duty by the Confederate States, and manufactured tobacco and clothing would "find no sale within the Gulf States." It was clear beyond the need of further clarification that Virginia's truest interest demanded a close affiliation with the Southern Confederacy.[30]

President Lincoln had become so concerned about this do-nothing convention, believing its continued existence a standing menace to the successful prosecution of his administrative plans, that he summoned George W. Summers to Washington for the purpose of arranging for its speedy adjournment. Summers pleaded urgent business before the convention, but sent, on April 4, John B. Baldwin to represent the Unionists of the convention. From this point we have two widely divergent accounts of what took place at the conference between Mr. Lincoln and Mr. Baldwin. One is the story told by John Minor Botts before a reconstruction committee in 1866, to the effect that he

[29] *Western Citizen*, March 8, 1861.
[30] Richmond *Enquirer*, March 23, 1861.

(Botts) had called upon the President on April 7, 1861, at which time the President informed him of Baldwin's visit and declared that he had offered to evacuate Fort Sumter and undertake to negotiate with the Cotton States if Baldwin and the other Unionists at Richmond would adjourn the Virginia convention *sine die*. Mr. Lincoln added that Mr. Baldwin had treated the proposition with scorn. When Mr. Botts offered to carry out the same plan at once, the President told him that it was too late—the fleet had already sailed. According to the account related by Mr. Baldwin, he had received his summons to Washington on April 3, had reached the city on the next day, calling immediately on the President, who greeted him with, "You have come too late." The President then asked him why the Virginia convention did not adjourn, whereupon he explained to the President that the Unionists were controlling the convention in the interest of conservation and desired a conciliatory policy on the part of the administration at Washington. He then withdrew without having received any pledge or promise of any sort whatsoever. When Mr. Baldwin was asked by a member of the committee on reconstruction why he had failed to make a report of his interview with Mr. Lincoln to his fellow Unionists upon his return to Richmond, he became confused and left the house. The story told by Mr. Botts was corroborated in its main essentials by John F. Lewis. If—but that is a tale that can never be told.[31]

On April 8, the convention voted unanimously to send a committee composed of Alexander H. H. Stuart, George W. Randolph and William Ballad Preston to interview the President and find out, if possible, what policy had been determined upon regarding the seceded States. Of the men comprising the delegation, one, Randolph, was an avowed Secessionist, and the other two, "moderates," although it had been suggested at the time of their selection that the Unionists should have a representative. On the morning

[31] J. G. Nicolay, and John Hay, *Abraham Lincoln*, III, 423 et seq.

of April 13, Mr. Lincoln read a written reply to the committee's question, which reply was little more than a reaffirmation of his policy as outlined in his Inaugural Address. The committee made its report to the convention without comment, and it was received with indifference as the news about Fort Sumter was then the all-absorbing topic.[32]

If the convention called by Virginia to shape her course of action was inactive and undecided, one of her gifted sons, Roger A. Pryor, was certainly neither. Among his many and fiery speeches of this period, the one made at Charleston, South Carolina, on April 10, brought about the most far-reaching consequences. This address, as reported by the New York *Tribune* was as follows:

> **"Gentlemen, for my part, if Abraham Lincoln and Hannibal Hamlin were to abdicate their office tomorrow, and were to give me a blank sheet of paper whereupon to write the conditions of re-annexation to the Union, I would scorn the privilege of putting the terms upon paper. And why? Because our grievance has not been with reference to the insufficiency of the guarantees, but the unutterable perfidy of the guarantors; and inasmuch as they would not fulfill the stipulations of the old Constitution, much less will they carry out the guarantees of a better Constitution looking to the interests of the South. Therefore, I invoke you to give no countenance to any idea of reconstruction. It is the fear of that which is embarrassing us in Virginia, for all there say if we are reduced to the dilemma of an alternative, they will espouse the cause of the South against the interests of the Northern Confederacy. If you have any ideas of reconstruction, I pray you, annihilate them. Give forth to the world that under no circumstances whatever will South Carolina stay in political association with the Northern States. I understand since I have been in Charleston that there is some little apprehension of Virginia in this great exigency. Now I am not speaking for Virginia officially; I wish to God I were, for I would put her out of the Union before twelve o'clock to-night. But I bid you dismiss your apprehensions as to the old Mother of Presidents. Give the old lady time. She cannot move with the agility of some of her younger daughters. She is a little rheumatic. Remember she must be pardoned for deferring some what to the exigencies of opposition in the Pan Handle of Virginia. Remember the personnel of the convention to whom she**

[32] J. N. Brenaman, *History of Virginia Conventions*, 59 et seq.

entrusted her destinies. I assure you that just so certain as tomorrow's sun will rise upon us, just so certain will Virginia be a member of the Southern Confederation. We will put her in if you but strike a blow. I do not say anything to produce an effect upon the military operations of your authorities, for I know no more about them than a spinster. I only repeat, if you wish Virginia to be with you, strike a blow!"[33]

South Carolina took Mr. Pryor's advice, and in less than two days the blow had fallen on Fort Sumter. For some reasons, Mr. Pryor declined the honor of "touching off" the opening gun in the bombardment of the Fort, and this distinction fell to the lot of another Virginian, the venerable Secessionist, Edmund Ruffin, on account of which he is said to have fired both the first and last gun of the Civil War since he shot himself within two months after Lee's surrender at Appomattox.[34]

Quite different was the conduct of another able Virginian, Henry A. Wise. His course as a member of the convention was so zigzag that it is inexplicable even now. In a speech delivered some time back, he had said that he had never weighed and never would weigh—that it was impossible for any man to "weigh the value of the Union or count the cost of its dissolution"; that he "abhorred the man who would deliberately impair it even in the affection of the people"; that any man who would betray the Union "by any devised snare whatever" was a "traitor to the best bond and security of civil liberty."[35]

Even as late as April 10, Mr. Wise addressed the convention as follows: "As to parting from the Union, in my affections I shall never do that. As to leaving its flag, whenever I leave this Confederacy, this North Star Confederacy, which makes the needle tremble northward, sir, I shall carry the flag of the Old Union out with me; and if I ever have to fight, so help me God, I will fight with the star-spangled banner still in one hand and my musket in the other. I will never take any Southern cross or any pal-

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[33] Mrs. Roger A Pryor, *My Day: Reminiscences of a Long Life*, 158 et seq.
[34] Pryor, *Op. cit.*, 162.
[35] Wise, *Op. cit.*, 162-3.

metto for my flag. I will never admit that a Yankee can drive me from the Union and take from me our Capitol! I will take from him forts, I will take from him flags, I will take from him our Capitol, I will take from him, if I can, my whole country, and save the whole."[36] One week later, Wise, seemingly tired of his doctrine, "fighting in the Union," and disgusted with the continued indecision of the convention, secretly made arrangements with General Imboden to raise some volunteers and seize Harpers Ferry. Although Governor Letcher refused to sanction the plan, the plotters determined to act on their own responsibility. When all necessary preparations had been made, Wise addressed the convention as follows: "Mr. President, I arise to announce no 'Democratic telegram,' but to say to you and this body that I know that armed forces are now moving on Harpers Ferry to capture the arms there in the arsenal for the public defense, and there will be a fight or a foot-race between Volunteers of Virginia and Federal troops before the sun sets this day." Instantly the convention was in an uproar, and bitter denunciations were indulged in; but Wise had correctly gauged the feelings of the convention, for many former Unionists rallied to his defense—he had achieved his purpose.[37]

Meanwhile President Lincoln had made his second important move. On April 15, he issued a call for "75,000 troops apportioned amongst the States to suppress combinations against the laws of the United States in the States of South Carolina, Florida, Georgia, Alabama, Mississippi, Louisiana, and Texas." Governor Letcher was notified that the quota to be furnished by Virginia was "three regiments, containing 2,340 men to rendezvous at Staunton, Wheeling, and Winchester." The reply of Governor Letcher was as follows: "I have only to say that the militia of Virginia will not be furnished to the powers at Washington for any such purpose as they have in view. Your object is to subjugate the Southern States, and a

[36] *Ibid.*, 273.
[37] Wise, *Op. cit.*, 278.

requisition made upon me for such an object—an object in my judgment not within the purview of the Constitution or the Act of 1795—will not be complied with. You have chosen to inaugurate civil war; and having done so, we will meet it in a spirit as determined as the Administration has exhibited toward the South."[38]

On April 16, the Richmond correspondent of the Cincinnati *Enquirer* sent the following message to his paper: "Lincoln's proclamation was received with execrations. The people are fearfully excited, and say that the military will sooner die than respond to the call." And to the same paper came this message from Alexandria: "Lincoln's proclamation has increased the secession feeling. The impression now is that immediate secession will take place."[39] These news items accurately described the attitude of Virginia toward Lincoln's declared policy. Virginia hesitated no longer. On April 17, amid tears, jeers, and cheers, the convention passed the Ordinance of Secession by a vote of 88 to 55.[40] Virginia had "crossed the Rubicon," and was ready, if expediency required, to leap the Potomac.

The Virginia leaders regarded their position as impregnable. In the first place they believed that they had so many friends at the North that the public sentiment of that section could not be induced to permit force to be used against the South by the Federal Government. For instance, Asa Bigler had vehemently declared that it was unthinkable that Pennsylvania should ever become so hostile to Virginia as to draw sword against her.[41] Secondly, even if the North should succeed in attacking the South in spite of Southern sympathy in the North, it was confidently expected that the war spirit would mount so high, and the response to Virginia's call to her sons and daughters in her hour of need so unanimous, that she would be absolutely unconquerable. For according to the Richmond *Whig,* every man born on the soil of Virginia felt a special

[38] Claiborne, *Op. cit.*, 155.
[39] Cincinnati *Enquirer*, April 16, 1861.
[40] McGregor, *Op. cit.*, 176.
[41] Mrs. R. A. Pryor, *Reminiscences of Peace and War*, 118.

pride in the state of his birth. Her past glories were his; "her great men—the greatest the world ever produced—were his compatriots, and their fame was a precious part of his inheritance. To see such a Commonwealth subjugated and partitioned out among sniveling Yankees would drive all men to desperation."[42]

In order that the will of the people might be registered with respect to the action taken by the convention, the Ordinance of Secession was submitted to a popular vote on the fourth Thursday in May and was adopted by a majority of 105,577. Since the total poll amounted to only three-fourths of that cast in the presidential election of 1860, it is obvious that many voters, especially in the western counties, did not participate in this plebiscite. On June 14, the delegates re-assembled and proceeded to sign the ordinance. When the name of Jubal A. Early, who had voted against the ordinance, was called, leave was granted him to have the following explanation printed in the Journal:

> **"Abraham Lincoln, President of the United States, having set aside the Constitution and laws, and subverted the government of the United States, and established in lieu thereof an usurped government founded upon the worst forms of tyranny, the undersigned has therefore determined to sign the Ordinance of Secession adopted by this Convention on the 17th day of April last, with the intention of sustaining the liberties, independence and unity of the State of Virginia against the said Abraham Lincoln, his aiders and abettors, and with no hope or desire for a reconstruction of the old Union in any manner that shall unite the people of Virginia with the people of the non-slaveholding States of the North."**[43]

When a Virginian shifts his position on any matter of public concern he not only burns his bridges behind him but even sifts the ashes to find adequate reasons for his change of heart.

Virginians felt that they had suffered long enough at the hands of the "Northern fanatics." Their patience was exhausted. The extreme limit of endurance had been reached. Virginia had endured the John Brown raid in which sev-

[42] Cincinnati *Enquirer*, April 21, 1861.
[43] Brenaman, *Op. cit.*, 59 et seq.

eral of her most respectable citizens had been foully murdered. She had endured the violation of the Federal Consituation when the governors of Ohio and Iowa refused to surrender fugitives from justice regularly indicted for their participation in Brown's attempt to incite a servile uprising. She had endured the endorsement of Helper's *Impending Crisis* by Republican leaders. She had endured the passage of a new obnoxious tariff law. But the "illegal proclamation" of Lincoln, calling upon her to furnish troops to wage war on the Cotton States, was the last straw.[44] Virginia precipitately left the Union; *Sic semper tyrannis* took on a new meaning; and there was born amid the throes of a civil conflict, a state that had no father and a very unwilling mother.

Firmly convinced that they had a fundamental right to secede from the Union, Virginians appealed to the arbitrament of the sword to uphold the justice of their cause. Fate forced them to taste the bitter dregs of a military defeat. This was indeed gall and wormwood, but perhaps the "most unkindest cut of all" was the defection of their own flesh and blood on their western border. These unfilial sons and daughters, reiterating that same shibboleth, self-determination, as complete justification for their desertion, abruptly quitted the parental roof and proceeded to carve out an independent commonwealth of their own. The Old Dominion had lost much but not all. Her head was "bloody but unbowed." She still possessed precious memories of heroic sacrifices and matchless deeds of valor. She still retained an unconquerable soul. And she still believed that the "Lost Cause" was a good cause, worthy to be perpetuated for generations yet unborn, for

> "He that complies against his will
> Is of his own opinion still."

[44] L. G. Tyler, *Life and Times of the Tylers*, II, 655.

The Library of the Department of Archives and History

By Nancy Wilson, *Librarian*

Among the many duties which government casts upon a people is the preservation of the annals, memoirs and records which spring from the operations of government, and the habits of life of the people. All men who appreciate their relation to society recognize the force of the demand and agree that the State should make permanent provision for matters of this kind. In 1905, the need for a state department which would have as its main objective the preservation of old records was recognized by West Virginians. The need for such a department was first officially expressed by Governor George W. Atkinson in his second biennial message of January 9, 1901. Governor Albert B. White in both of his biennial messages urged immediate action toward the establishment of such a department, and the West Virginia Legislature shortly after his second message passed the bill creating it.[1]

The Act created "a bureau of Archives and History in which shall be collected for permanent preservation, as far as it can now be done, all valuable papers and documents relating to the settlement of the State; to the period of reorganized government of Virginia and to the erection and formation of West Virginia out of the territory of the mother state, with biographical matter pertaining to the men who were prominent then, together with all missing public records, state papers, documents of the Legislature, executive and judicial department, and the reports of all State officials, boards of regents and directors of State institutions, educational, charitable, penal and otherwise,

[1] *Acts of the Legislature of West Virginia,* 1901 and 1905.

from the twentieth of June, 1863 to which the annual additions shall be added as produced."[2]

The Act further provided for the establishment of a "State Museum, illustrative of history, science and social conditions and life of the people of our country, past and present."[3]

Since 1905 the Department has had a phenomenal growth and although the name "State Library" is officially applied to the law library of the Supreme Court, the Department really performs the function of a state library as that term is used in nearly all other states of the Union.

The Library had for a nucleus the old law library at Lewisburg, in Greenbrier County. Duplicate volumes were brought from Richmond for the use of Court appeals, which was required by law to sit ninety days annually in Greenbrier County to hear the cases which had been appealed from some of the counties now in West Virginia. Thus a state library was established in 1833. When state division came West Virginia naturally claimed all public property within her borders. This library was then shipped via Washington to Wheeling, and as the capitol was changed from Wheeling to Charleston and back again, the books too journeyed back and forth, until in 1885 they found a permanent home in Charleston.

In 1890 the Historical and Antiquarian Society was formed, and the following year it was made the custodian of the numerous documents, papers, books, and relics that had come into the possession of the Law Library, and were not exclusively law books. This was effected by a joint resolution which authorized the law librarian, with the advice and consent of the Court of Appeals, to turn over to the Historical Society any material that had come, or might in the future come, into its possession and which might be "of interest or importance both as collections and reference in publishing and preserving historical, biograph-

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[2] *Some Events and Persons of Importance in the History of West Virginia,* "The Department of Archives and History." 1937, p. 6.
[3] *Ibid.,* p. 6.

ical, scientific and other information relating to the state."[4]

Though the Historical and Antiquarian Society was the custodian of this collection, it was understood when the appropriations were made that all books, documents and relics collected and purchased should be and remain the property of the State to be held in trust for the State.

In 1901, during the incumbency of Governor G. W. Atkinson, the creation of a State Department of Archives and History was agitated. George W. Atkinson in his biennial message to the Legislature, January 9, 1901, voiced the following sentiment: "I find our Public Records and Documents in the State in a very incomplete and unsatisfactory condition. . . . I can find no official record relating to the Restored Government of Virginia. I have also made diligent effort to secure the Journals of the Legislatures from 1861 to 1864 and have not been able to find them. . . . The Journals and Documents during that period cannot be found, unless, perhaps, the originals are in existence and I hope they are; but it is a big undertaking to find them and one would hardly know where to begin to look for them. . . . Messages, Reports, Documents, and Papers cannot now be found. I find no Inaugural Address of any Governor of the State printed in any bound volume of the State's doings, not even my own. . . . These documents are a part of the important history of the State, and yet they have not been preserved in enduring form. . . . It is painfully evident that our Public Records are woefully incomplete."[5]

No action was taken at that session of the Legislature. Two years thereafter, Governor Albert B. White, in his first biennial message, said, "The West Virginia State Historical and Antiquarian Society should be made a State Institution. . . . It is a private corporation. . . . Its government should be vested in a non-partisan Board of Directors." Now, in compliance with this recommendation a bill

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[4] Lewis, Virgil A., *First Biennial Report of the Department of Archives and History*, 1906. p. 20.
[5] *Ibid.*, pp. 21-22.

was prepared which passed the House and was on its third reading in the Senate when the session closed.[6]

Again, January 11, 1905, Governor White, in his second biennial message to the Legislature, renewed his recommendation of two years before, and on February 18, 1905, the act creating it was passed by the Legislature.[7]

During the sixteen years, that the West Virginia Historical and Antiquarian Society was custodian for the historical possessions of West Virginia, the Legislature annually made small appropriations of money to aid the Society in its work, and with a portion of this—beyond contingent expenses—a few books, volumes of much value, were purchased each year. But the main sources from which accessions came to the Library, were those of liberal persons who made contributions of books, documents, papers, etc., to its collection. These constituted its most important foundations; chief of which were: The Summers (1894), Brown (1893), Broun (1896), and Hale (1912) donations. The Summers collection consisted largely of Federal Publications now most valuable, because of age and the subject of which they treat. J. H. Brown donated to the Society a large collection of Federal Publications for the years of the Civil War. About the year 1896, Major Thomas L. Broun contributed to the Society a number of bound volumes of the *Reports and Proceedings of the Board of Public Works of Virginia*, together with volumes of the *Reports and Transactions of the Old James River and Kanawha Canal Company*. It was this donation that became the foundation of the present collection of the Public Documents of Virginia. In 1902, Dr. John P. Hale of Charleston, bequeathed his private library of nearly four hundred volumes of rare works treating on history, art, science and general literature.[8]

After the creation of the Bureau of Archives and History in 1905, additional donations of value were made. In 1907, Hon. Hiram R. Howard of Point Pleasant, West

[6] *Ibid.*, p. 22.
[7] *Ibid.*, p. 22.
[8] Lewis, Virgil A., *Second Biennial Report of the Department of Archives and History*, 1908, pp. 7-8.

Virginia, donated a most valuable collection of West Virginia Public Documents—*Journals* of the Senate and House of Delegates—of the early years of the state, long out of print and difficult to obtain. Other donations were the Burdett, the Faulkner, the Laidley, and the second Brown donations.[9]

Under the direction of Virgil A. Lewis, the first Historian and Archivist appointed in West Virginia, the Department organized and became what Lewis happily called in his report of 1910, "the pride of the state." In five years, the Library expanded into a collection comprising nearly 60,000 volumes: (1) the Historical and Miscellaneous Section, (2) the Legislative Reference Section; and (3) The Federal Publications Section.

The act of 1905, provided that the Bureau of Archives and History, would be "under the management of the Board of Public Works, which body had full power and authority to adopt and establish such by-laws and regulations as it may deem necessary. . . ."[10] In 1925, a bill was presented and passed, which created the Department of Archives and History as a separate department of the State government.[11] Since the passage of this bill, the Department has served and functioned as a useful department of the State.

At the death of Virgil Lewis in December, 1912, Henry S. Green was appointed State Historian, and after one term (1912-1916) in office, he was succeeded by Wilson M. Foulk, who served for two years (1917-1919), and was succeeded by Clifford R. Myers, who remained in office from 1919-1935; Mrs. Innis C. Davis, the first woman to serve as Historian, was appointed in June, 1935, and she was succeeded by Mrs. Bess E. Harrison in March, 1941.

Various librarians have served the Department during the years since its creation, namely: Ethel Green (1917-1919), Florence Schum (1921-1935), Emily Johnston (1935-1941), Nancy Wilson (1941——).

Between the years 1914 and 1932 no printed department

[9] *Ibid.*, p. 9.
[10] *Acts of the Legislature of West Virginia*, 1925.
[11] *Acts of the Legislature of West Virginia*, 1905.

report was issued from the Department. Clifford Myers, in a type-written report for the year ending June 30, 1930, made the following statement: "For various reasons the department has issued no printed reports since 1914. The increased routine of the department has rendered it impossible for the head to give much time to definite historical research which might be issued in printed form."[12]

Today the Library comprises approximately 30,000 classified volumes, including government publications and pamphlet materials. The collection is still the best in existence relating to West Virginia, and it is hoped to make it far better by photostats from the State Library at Richmond. Every volume that pertains to the State in any way is secured if possible.

STATE HISTORY AND GENEALOGY

Nearly all the volumes bearing directly on West Virginia history and genealogy have been segregated in a corner of the Library for convenience to research workers. The *Virginia Historical Index,* by E. G. Swem, completed in 1935, is the most valuable work that has appeared in years, for those interested in the genealogy and history of the Virginias. It may be found on the shelves of the Archives Library. For two hundred fifty-six years (1607-1863), West Virginia was a part of Virginia, and throughout that long period they have a common literature. Since 1863, both states have been making a literature, each peculiar to itself, but because of their former relations, all is of a common interest to the people of both, and an endeavor has been made to bring together and classify the miscellaneous literature of both states.[13]

STATE ARCHIVES

The State is especially fortunate in having in the Library a practically complete file of its own publications from the date of its creation. The files of Bills, Journals,

[12] Manuscript of Clifford Myers, Annual Report of the State Department of Archives and History, for the year ending June 30, 1930, p. 17.
[13] Lewis, Virgil A., *Biennial Report,* 1910-11. p. X.

and Acts of the Legislature; the file of Public Documents (bound departmental reports); the various separate files of departmental reports; and all various miscellaneous West Virginia official publications are kept for safety in locked compartments. Since the destruction of the State Capitol by fire on January 3, 1921, many of these publications are very rare and many cannot be replaced if lost or stolen.

NEWSPAPERS

An attempt is made to keep on file in the Department a file of all the newspapers published in West Virginia. These newspapers are kept on racks for a short time and then are carefully filed. Many of these files are the only ones in existence and as the years go by, become increasingly valuable for research purposes. A partial file of the *Potomack Guardian,* founded in 1790, and the first newspaper to be printed in what is now West Virginia, was secured from a dealer who found it in a small collection in Indiana.[14] At the same time and from the same collection, a partial file of the *Berkeley Intelligencer,* printed in Martinsburg in 1798-99, was secured.[15]

The recent purchase of a micro-film machine will enable the Department to preserve and make permanent these old and valuable newspapers by filming. Plans are now being made for the filming of these old papers.

CONSTITUTIONAL DEBATES

A complete typewritten text of the Constitutional Convention at Wheeling, 1862-1863, is available for use in the Library. The original manuscript is carefully guarded. Plans for printing this valuable document of our first State Constitution are under way at the present time.

GOVERNMENT DOCUMENTS

The Department is a depository for all governmental reports and all volumes have been carefully preserved and

[14] *Ibid.,* p. 14.
[15] *Ibid.,* p. 15.

arranged in order. At the present time only those documents that are likely to prove of value to West Virginia are received. The U. S. Patent Office *Gazette,* the bulletins and other publications of the Department of Commerce, including the Bureau of Standards, and those of the Department of Mines, the Geological Survey, the Department of Labor, and of the Census Bureau, are easily accessible to investigators and students of our industries and commerce.

LOANS

Since the question is frequently raised, it may be prudent to state here that the Library of the Department of Archives and History is for research and reference. Books are not sent out for school use. No circulating system is maintained as none is provided by law. West Virginia does not have a "State Library" that lends books throughout the State. The Legislature of 1929 created a State Library Commission which has for one of its aims a state circulating system, but the establishment of such is for the future.[16] The volumes in the Library of the Department, most of which are out of print and rare, are not circulated, as the State Historian and Archivist is personally responsible for their safety.

Important gifts to the Library in recent years are: the collection of West Virginiana and books relating to the Burr-Blennerhassett conspiracy from the library of Warren Wood of Ravenswood; the notebooks of Mrs. Livia Simpson Poffenbarger, along with state history and genealogies, and the memorial collection of West Virginia histories and genealogies which Mrs. Bertha Lewis Clark is still presenting to the Library in memory of her parents.

The Museum section of the Department has never failed to stimulate public interest. Numerous contributions in the way of curios and relics have been made, so that today it contains much interesting material portraying the life, and as far as can be shown by such means, the degree of culture attained by our predecessors.

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[16] *Acts of the Legislature of West Virginia,* 1929.

It has been said that what memory is to the individual, history is to the community, but while the memory of the individual perishes with him, it is possible to keep alive the memory of the community, and prolong it indefinitely if care is taken to preserve everything of historic value. Every West Virginian should be interested in renewing and prolonging the "memory" of our great State, and thus help to accomplish the end for which this Department was created.

Address of the Delegates

Composing the

New State Constitutional Convention

To Their Constituents[1]

Edited by C. H. Ambler

Fellow-citizens: Your delegates in convention having made the change in the constitution proposed by Congress, have submitted the same, as amended, for your final ratification or rejection, at an election to be held on the twenty-sixth day of March next.

Before remarking on the proposed change, we call your attention to some of the features of the Constitution which differ from the system to which you have been accustomed. The most important is that which abolishes the county courts. In this we have the sanction of your frequently expressed opinions, and of the almost unanimous action of your delegates in the Constitutional Conventions of 1829 and 1850. Whatever may have been the merits of these courts as judicial tribunals, for which purpose the establishment of the circuit courts made them unnecessary, their inefficiency as administrators of county affairs, owing mainly to their want of adaptation to the purpose, has been apparent. The union, in one body, of judicial, legislative and executive powers, is sufficient to condemn them.

To supply their place in the judiciary we have raised the jurisdiction of the justices and increased the number of the terms of the Circuit Courts, by which much unnecessary expenditure will be avoided. To secure a just and faithful administration of the fiscal and other concerns of the counties, they are sub-divided into townships, each of which elects

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[1] This address adopted February 18, 1863, was not included in the debates and proceedings of the Convention as reported by Granville D. Hall. Nor was it printed in any available newspaper of the period. An explanation of these facts is found in the convention authorization for the printing and distribution of 10,000 copies, but at the present time only two of these copies can be found. One is in the New York Public Library, New York, the other in the State Department of Archives and History, Charleston, West Virginia.
As this sixteen page pamphlet is the best extant account of the formation of West Virginia and the causes for such action, it is here reproduced in full. It will be included also in the debates and proceedings of the First Constitutional Convention to be printed and published by the state of West Virginia in 1942 and sold by the State Board of Control. In the reproduction here printed the address is quoted verbatim but the footnotes are by he editor, C. H. Ambler.
This address was prepared by the convention 'special committee" on revision, appointed February 13, 1863, and composed of Peter G. Van Winkle, Waitman T. Willey, James H. Brown, Daniel Lamb, and Granville Parker. Inasmuch as Van Winkle was chairman and on February 18 made the report, it is a reasonable assumption that he was its chief author. However, any member of the committee was equal to the production of the document.

annually a member of a county board charged with such administration; but to the people of each township is reserved the right to transact, under such regulations as the Legislature may prescribe, the public business relating exclusively to their township. In short, the endeavor has been made to apply practically the maxim of Montesquieu, that "in a democracy the people ought to do for themselves whatever they conveniently can; and what they cannot do themselves, they should commit to the management of ministers chosen by themselves."[2]

Objections are made to the township system on account of its novelty. It is indeed a novelty in practice in Virginia, but is not now first proposed. When the defects of the first State Constitution became apparent, and the propriety of revising it began to be discussed, Mr. Jefferson, in letters to different correspondents, proposed the division of the counties into wards. In one letter he says: "These wards, called townships in New England, are the vital principle of their governments, and have proved themselves the wisest invention ever devised by the wit of man for the perfect exercise of self-government and for its preservation." He also says that this system, "by making every citizen an acting member of the government, and in the offices nearest and most interesting to him, will attach him by his strongest feelings to the independence of his country and its republican constitution."[3] In another letter he says: "The wit of man cannot devise a more solid basis for a free, durable and well administered republic."

In the convention of 1829-30, the late Judge Lewis Summers, a distinguished jurist and an earnest and active friend of the West, proposed the adoption of the ward or township system; but it was defeated by a vote of fifty-two to thirty. This was the convention that feared to trust the people with the election of any officers besides members of the General Assembly, and whose constitution was condemned by the counties west of the Alleghanies by a vote of nearly twenty thousand against less than one thousand.[4]

By the constitution now presented, the legislative power of the State is vested in a Senate and House of Delegates. This power would be supreme in all cases were it not limited by the State and National constitutions. The restrictions inserted in the constitution now proposed, to prevent the abuse and the unnecessary use of this power, cannot be enumerated in this address. Your attention, however, is called to the fact, that in all practicable cases, the Legislature is required to act by general laws. This obviates, to a great extent, the necessity for special legislation, and discourages that private solicitation of the members, the tendency of which is to introduce corruption and bribery as elements of legislation. It will also tend to shorten the sessions, and thus economize expenditure.

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[2] These changes were the most important of the new state constitution.

[3] This and the preceding quotation are from Jefferson's letter of June 20, 1816, to William H. Crawford, Jefferson, *Writings* (Ford ed.) Vol. XV, p. 38. For still other statements by Jefferson regarding the local government of New England, see Jefferson's *Writings* (Ford ed.) Vol. XIV, pp. 422, 454. It is perhaps significant that these reflections were coincident with his plans for establishing free public schools and a university in Virginia.

[4] For additional details and a map of this vote, see C. H. Ambler, *Sectionalism in Virginia, 1776-1861*, pp. 171-172.

The system presented for your adoption contemplates, as before remarked, that the people of each township will, to a certain extent, have the personal superintendence and direction of the public business relating exclusively to their township; the county boards of that which concerns two or more townships of their county, and of the general county affairs; while all that concerns two or more counties, or the State at large, will devolve on the Legislature, as under the national constitution that which concerns two or more States, or the whole Union, is confided to Congress.

There are no fundamental changes in the executive and judiciary besides those already noticed. The three great departments of government are practically kept separate and distinct, so that neither can exercise the powers belonging to either of the others, and no person can be invested with, or exercise the powers of more than one of them at the same time. These rules are applied to the county as well as to the State organization.

In the proposed system of taxation and finance, an attempt is made to equalize the burdens of the people, and to prevent extravagant, wasteful and profligate expenditures. Besides a small capitation tax on white males over the age of twenty-one years, taxes are to be laid on property of every kind in proportion to its value, so that no one species of property can be taxed higher than another of equal value. No debt is to be contracted except for merely temporary purposes, or in cases of great exigency, such as war or public danger; and the credit of the State is to be loaned only in the latter contingency. The State cannot become a stockholder in a bank on any terms, or in any internal improvement company for an amount greater than can be paid for out of funds in hand, or by a tax levied the ensuing year.

The experience of the re-organized government makes it morally certain that, in a time of peace, the amount to be raised by taxation within the new State will be greatly below former experience, even after it has assumed its equitable proportion of the debt of the State of Virginia, contracted before January, 1861. On the other hand, the expansion which will certainly be given to the population, business and value of property of the State by legislation adapted to its wants and condition, and tending to the development of its resources, will greatly augment the ability of the people to pay such taxes as may be found necessary.

Not the least beneficial feature of the proposed constitution is that which relates to forfeited and unappropriated lands. The land office, so often denounced, even by Eastern men, for its iniquitous operation and demoralizing tendency, and as the source of general and interminable litigation in the West, is finally and forever closed.[5] All private rights and interests in land derived from the State of Virginia, including entries that have been perfected, are secured. Tracts of land forfeited for non-payment of taxes not exceeding twenty dollars, or for the non-entry on the books of the Commissioner of the Revenue where the quantity does not exceed one thousand acres, are, by the constitution itself, exonerated

[5] The land office here referred to was first created in 1779.

from forfeiture and from the payment of the taxes and damages charged or chargeable against them. Lands forfeited prior to 1832 and not again forfeited or sold, or by subsequent forfeiture or purchase at the sheriff's sales vested in the State, unless exonerated as above, or redeemed within five years, will be condemned and sold under proceedings to be instituted in the circuit courts, and a perfect title given to the purchaser, while the former owners will be entitled to receive the excess of the purchase money over the taxes, damages and expenses of condemnation and sale.

Provision is made for the education of the children of the State by the establishment, at no distant day, of a system of free schools, and the accumulation of a school fund, to be derived from the extraordinary revenues of the State, or from other sources than taxation. The division of the counties into townships, makes such a system, heretofore thought impracticable by many on account of the sparseness of our population, entirely possible if the people desire it. It will be for the voters of each township to determine how efficient the system shall be within their boundary by their voluntary taxation of themselves for the purpose.

Among the miscellaneous provisions of the proposed constitution is one intended to aid the development of all material resources of the State. It provides that any number of persons associated for a purpose useful to the public, except the issuing of bills to circulate as money or the construction of a work of internal improvement, may become a corporation under general laws to be passed by the Legislature, and amendable at their pleasure by like laws. This takes away from such corporations the character of monopolies, and avoids the occasion for that personal solicitation of the members of the Legislature, which, as above remarked, has been the fruitful source of evil. The confinement of the action of the Legislature to general laws in reference to those practical matters which concern every citizen and every section of the State, gives assurance that, if not at first, yet speedily, those laws will receive that form which is most in accordance with the united wisdom and experience of the whole population. This illustrates the true theory and object of representative government.

The changes in the fundamental law above noticed, and others, perhaps not less beneficial, prove the necessity of our separation from the East if we would promote our moral and material prosperity. In the sight of God and man this is our sacred duty to ourselves, to those now dependent upon us, and to those who will hereafter occupy our places. Inequality of representation and taxation, had that been all, we might have borne until increased population gave us the power to correct it. But when the legislation of the Eastern majority was directed to our injury; when we were heavily taxed for the construction of Eastern improvements, and repeatedly denied the legal power to make them in our own section without the pecuniary or other assistance of the State, when there were open and avowed endeavors to prevent, or at least discourage, our increase in population; when, in short, we found we were not considered or treated as equals in the commonwealth of which we were

part, we should have been more or less than men if we had submitted to the intended degradation, and not resolved to right ourselves when the opportunity occurred.

Since so many of the other portion of the State embraced the cause of secession and rebellion, they have been more bold in their denunciations and more open in their exhibitions of hostile feelings, and have avowed their intention to subject us to a moral subjugation or to drive us into exile. Our offence has always been our devotion to those principles of free government which we learned from the fathers of the commonwealth, but which they have repudiated, and is aggravated by the fact that we still cling to that Union which their fathers and ours assisted in forming. They declare their intention, whatever may be the issue of the rebellion, to destroy the line of railroad constructed through our section without their assistance, and maintained, notwithstanding their adverse legislation, in order to destroy with it our business and personal intercourse with other States, and to prevent the increase of our population. They have recently attempted to repeal the more liberal provisions engrafted in the present constitution, mainly by the efforts of Western statesmen, and to renew the provisions of the constitution repudiated by the people of the West in 1830 with almost entire unanimity, and again to govern us by a centralized oligarchy.

Fellow-citizens, while so many of you were witnesses of the indefatigable exertions of our Doddridge, our Summers, our Campbell, and so many others, who, nobly but in vain, fought for our political enfranchisement in 1820 and 1830, are you prepared to repudiate their principles and condemn their conduct by a voluntary subserviency to those by whom you have been oppressed? We trust there are none among us capable of such self degradation.

There are considerations of a difference in character which also make the separation of the two sections desirable if not indispensable. There is little in common between them. Their views and policy in reference to various matters are diverse, if not antagnostic. The characteristics and social conditions of the two populations are different. The West is hilly, or mountainous, is for the most part in a state of nature, and may be made to afford a variety and abundance of mineral products; while the section occupied by those who have always, by their power or their influence, ruled the State, is, for the most part, easy of cultivation and has been cultivated for many years, and its leading products are agricultural. The directions of the channels of trade and the commercial relations of the two sections, divided as they are by a lofty range of mountains impassable by the rail car or canal boat, are necessarily not the same. In the West there are few enjoying acquired fortunes or hereditary wealth; few who are exempt from personal labor of the hand or head, and the equality of condition of the people is most remarkable. In the East great diversities exist. The men of wealth and their descendents and connections fill the offices and occupy the seats in the Legislature, thus excluding their poorer neighbors from all actual participation in the government. How is it possible that with such diversities the

citizens of either section can acquire that practical knowledge of the wants and condition of the other, without which they cannot, if ever so well disposed, intelligently legislate for them.

Under these circumstances it is surprising that any West Virginian should hesitate as to the course which both duty and interest now call upon him to pursue. There are, however, some who are indifferent, and some who openly oppose the formation of the proposed State; and among both classes are some who heretofore favored the separation. Various objections are urged against it, none of which, however, include a denial of the fact that West Virginia will be greatly benefitted by taking the principal charge of her own affairs. The objections that would deter her from doing so, should be at least as weighty as the arguments that urge her on. Let us, therefore, candidly examine the objections that are made with a view of determining to which side duty should incline us.

The objection most insisted on relates to the change of the seventh section of the eleventh article of the Constitution.[6] By some it is urged that the imposition of a condition by Congress on the admission of a new State into the Union is a dangerous precedent, and derogatory to those accepting it. This objection comes too late. The precedent is already the rule rather than the exception, as few States have been admitted without the acceptance of some condition prescribed by Congress. Changes of boundary, the taxation of public lands, trial by jury, the use of the English language in public proceedings, as well as the prohibition of slavery, have been the subjects of these conditions. The admission of new States by Congress is not, under the United States constitution, obligatory, but merely discretionary. The words are: "New States **may** be admitted into the Union." It is as true in law as in mathematics, that the greater includes the less. If Congress can constitutionally refuse its consent to the admission of a State, it may certainly prescribe terms of admission within constitutional limits.

This objection would not probably be pressed if the alleged condition related to some other subject than slavery, or if that subject had not been for so many years an element of party strife. There is so much prejudice, both for and against its existence in any locality, that the merits of a particular case are overlooked or ignored, and the prejudices on the general subject are permitted to decide it. With the latter we shall not concern ourselves in this address, as we do not think the abstract question of the propriety of the continuance or abolition of slavery should affect the vote you are called upon to give. The true question for your decision is, whether the continuance of the slavery ex-

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[6] As originally drawn this part of Article XI of the First Constitution of West Virginia said: "No slave shall be brought, or free person of color be permitted to come, into this State for permanent residence." According to the Willey Amendment, this article was changed to read, "The children of slaves born within the limits of this State after the fourth day of July, eighteen hundred and sixty-three, shall be free; and all slaves within the said State who shall, at the time aforesaid, be under the age of ten years, shall be free when they arrive at the age of twenty-one years and all slaves over ten and under twenty-one years, shall be free when they arrive at the age of twenty-five years; and no slave shall be permitted to come into the State for permanent residence therein." The last clause of this amendment was the same as in the original constitution, except that no restriction was placed upon "free persons of color." The admission of West Virginia was conditional upon her acceptance of the Willey Amendment.

isting within the limits of the proposed State promises any practical benefit to its people, and if so, whether the promised benefit is sufficient to induce you to forego the many positive and decided advantages which you cannot obtain unless the proposed State is erected?

There is one class of objectors whom we do not desire to conciliate while they retain their present views, and to whom, therefore, we have nothing to say. Of those who are traitors in heart, if not yet in act, and whose sympathy with rebels in arms has overcome their consciousness of duty to their country, it is sufficient to remark that their opposition is necessarily factious, and their object the injury and not the welfare of their loyal fellow-citizens. But there are others whom we are earnestly desirous to convince that the proposed State is worth greatly more than the price that will, in any event, be paid for it; and that the effort to secure it now, is not only sanctioned but demanded by every consideration of duty to themselves and their posterity.

The convention at its first session were nearly equally divided as to the propriety of inserting in the constitution a clause providing for gradual emancipation.[7] There was at that time no one in or out of the convention who contended that the perpetuation of slavery, as it existed in the proposed State, would be of any practical importance. Some desired to avoid the contention the agitation of the question would inevitably engender, while others thought that without the insertion of such a clause the consent of Congress would not be given. It was admitted on all hands, and cannot be denied, that causes, unconnected with the rebellion, and beyond human control, were at work, which within a very few years must extinguish slavery within the proposed State. It was not denied that in a grain growing, manufacturing and commercial community, the labor of slaves is unprofitable, except perhaps as domestic servants. It was known that in twenty-seven of the forty-eight counties there had been a decrease in their respective numbers of slaves from 1850 to 1860, and in only thirteen counties an actual increase. The numbers in the years given were 14,210 and 12,783.[8] The decrease was 2661, and the increase including those in the eight counties formed after 1850, was 1234; giving a net decrease of ten percent, or 1427, to which should be added a number equal to the whole natural increase. Those therefore who opposed the emancipation clause, did not contend that its insertion would injuriously affect the proposed State; but, on the contrary, insisted, that the causes mentioned above would extinguish slavery more rapidly and surely than any system of gradual emancipation could, if their operation was withdrawn.

Under these circumstances a compromise clause was agreed on, received the unanimous vote of the Convention,[9] and was inserted in the Constitution. It provided, simply, that slaves should not be brought into

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[7] This decision was on a motion by the Rev. Gordon Battelle to submit to the voters a proposal for the gradual abolition of slavery in the new state. On motion of Ephraim B. Hall of Marion County, the proposal was tabled "without day" by a vote of 24 for, to 23 against. Convention, *Journal*, pp. 165-166.

[8] This estimate did not include Jefferson and Berkeley counties which were later included in West Virginia.

[9] There was one vote against compromise, that of William W. Brumfield of Wayne County. Convention, *Journal*, p. 168.

the State for permanent residence, and was accepted and ratified by the vote adopting the Constitution in April 1862. Thus both the Convention and the people have signified their willingness, that the natural causes tending to the extinction of slavery should not be counteracted in their operation. There were slaveholders both in the Convention and among the people, who voted for this compromise, and they must be allowed to be as able to determine what their interests require or permit, as many among the most vociferous of the objectors who have no personal interest in slavery. That it is doomed to rapid diminution, whether aided by law or constitution, or not, must be apparent to every intelligent citizen.

The question then presents itself for your consideration, whether the great and important advantages you are sure to derive from the erection of the proposed State, shall be postponed until slavery dies the natural death to which it is hastening? This is what you are called upon to do when asked to reject the amendment proposed by Congress. Slavery cannot be perpetuated by its rejection; and, as it exists among us, it cannot be of any service in a public point of view. With or without emancipation, the proposed State will be to all intents and purposes a free State, and its legislation and social condition will necessarily be controlled by that fact.

The amendment proposed by Congress strikes out the whole of the seventh section of the eleventh article of the Constitution, including the clause prohibiting the immigration of free negroes.[10] The objectors allege that this opens the State to that class of population. Had they looked at the section immediately following, they would have seen that the laws of Virginia will remain in force within the proposed State until altered by its own legislature; and they cannot be ignorant that a law forbidding such immigration is in the Code. Almost all the northern states prohibit it, but only two or three by constitutional provisions. The rest, like Virginia are content with legislative enactments on the subject, and the power of the legislatures of the States to pass such laws has not been seriously questioned. The act of Congress declares that West Virginia shall be "admitted into the Union on an equal footing with the original States in all respects whatever." The so called condition imposed by Congress cannot, by even a forced construction, be tortured into a prohibition of the exclusion of free negroes. It requires no more than that the emancipation clause proposed by them shall be inserted in the Constitution.

These keen eyed objectors, many of whom find in the United States Constitution a warrant for the alleged right of secession, have constitutional scruples about the power of Congress to admit the proposed State into the Union under any circumstances. By separating a clause from its context, they make that instrument absolutely forbid the formation and erection of a new state within the jurisdiction of any other State. They have the misfortune to differ with Mr. Madison; who, in the forty-third number of the Federalist, while commenting on the sec-

[10] It did not strike out the clause forbidding the importation of slaves.

tion of the United States Constitution now in question, observes that "the particular precaution against the erection of new states, by the partition of a State without its consent, quiets the jealousy of the larger States; as that of the smaller is quieted by a like precaution against a junction of States without their consent." But if the contemporary exposition of "the father of the constitution" is not sufficient to convince these very strict constructionists, this objection, like another noticed above, comes too late. Congress many years since consented to the formation and erection of the States of Vermont, Kentucky and Maine, within the jurisdiction of other States, the second having been formed and erected within the jurisdiction of Virginia.

But the objection most relied on is that which denies that any competent legislative consent has been given to the erection of the State of West Virginia. This objection implies that the usurping body sitting at Richmond, and pretending to exercise legislative authority, but in open rebellion against the United States, is the true legislature of Virginia, one of those States; or that the State is without a legitimate government. Those who uphold the first alternative uphold rebellion and are secessionists and traitors, with whom, as before observed, we, and we trust our constituents, have nothing to do until they divest themselves of that character. The second may be honestly entertained by some who are not familiar with the history of similar events, or with the verdict of all free nations in similar cases; or by those who have not sufficiently examined the subject. Sincerely desirous to vindicate the authority under which we have been and are now acting, we ask your further attention while, as briefly as possible, we relate the events which led to the restoration of the state government, and cite the precedents which sanction that most solemn and formal proceeding.

Soon after the secession of the planting states, the then legislature of Virginia was called to meet in extra session at Richmond early in January 1861. Among their first proceedings, was the passage of an act directing an election to be held on the ensuing fourth of February for Delegates to a Convention, which was directed to assemble at Richmond on the thirteenth of the same month, and to "proceed to adopt such measures as they may deem expedient for the welfare of the commonwealth." What this meant was easily understood, as the same act provided that at the time of the election of the delegates, a separate poll should be open "to take the sense of the qualified voters as to whether any action of the said convention dissolving our connection with the Federal Union, or changing the organic law of the State, shall be submitted to the people for ratification or rejection." A large majority of the delegates elected were professedly opposed to secession, thus indicating that at least a proportional majority of the people, distributed in nearly every section of the State, were also opposed to it. A majority of nearly sixty thousand demanded that any action of the convention contemplating secession should be submitted to the people and receive their ratification before it became of force.

It is not intended to discuss here the alleged right of secession which

has been amply elucidated by abler pens. We plant ourselves upon the doctrine asserted by Virginia herself, in her ratification of the constitution of the United States. In that instrument, speaking by the mouths of some of her ablest statesmen ("there were giants in those days") she says, "that the powers granted under the constitution, being derived from *the people of the United States*, may be resumed *by them* whensoever the same shall be perverted to their injury or oppression." There is no mistaking the force and import of this language. It, in express terms, asserts, that the Union can be dissolved only by those who made it, the people of all the States, and by them only in the extreme case of a palpable perversion of the powers granted, to their injury or oppression. The act of ratification has for Virginia all the force of a declaration of rights, or a constitutional provision. The act calling the convention for the purpose avowed on its face, and all the proceedings and ordinances of that assemblage in reference to "dissolving our connection with the Federal Union," whether by peaceable means or by force, being in derogation of an organic law, are therefore illegal, null and void, and no ratification by the people of a single State can give them validity or effect.

But admitting, for the moment, that without even an allegation that the powers of the Federal Union had been perverted to the injury or oppression of the people, a legislative act could give authority to a conviction to dissolve the connection of the State with the Union, and that an ordinance fairly passed by the latter in due parliamentary form and ratified by the votes of a majority of the qualified voters, would be effective for the purpose, we deny that any such ordinance has been so passed or ratified. When the convention assembled, the hired ruffians brought from states farther south for the purpose, who until that time had beset the legislature, began their work of intimidation within and without the hall where the convention held its sessions. Western members were threatened and spit upon from the galleries while in their seats, and mobbed and assaulted on their egress from the hall.

Under such circumstances, the so called secession ordinance was passed in secret session and directed to be submitted to the voters. But before the fact of its passage was allowed to be made known, or its provisions had been published, the convention, which by that time, with the consent of a subservient Governor and other State officers, had practically usurped the powers of both the legislature and executive, despatched their armed emissaries to take possession of the National Armory at Harper's Ferry and to obstruct the entrance to the Gosport Navy Yard, and had begun to levy troops with a view to the capture of the National Capital, and the overthrow of the National Government. Thus was the State plunged into rebellion and its consequences, without the sanction and even without the previous knowledge of the people. In the black catalogue of crime which disgraces humanity, these acts of the iniquitous and perjured leaders of the secession movement in Virginia, will be forever prominent.

But these were not all. Again before the vote to ratify or reject their

traitorous ordinance was taken, they entered into a league with the so called Confederate States looking to the accession of Virginia to that rebellious organization. By a special provision, to take effect immediately, "the whole military force and military operations of the State," were placed under the control and direction of the pseudo confederacy "for offensive as well as defensive purposes." Allow that their whole proceedings were revolutionary in the best sense of that word, it would nevertheless seem that no such steps should have been taken without the previously expressed direction of the people; but even after their accomplishment they did not pretend to submit these measures to the voters. They merely directed that if the secession ordinance was negatived, these should be deemed and taken to be annulled.

At length the day appointed to take the vote of the people for or against the secession already in operation, arrived. Every means of intimidating the voters who had not already been driven from their homes, and who still clung to the Union, was used. The military, a portion of which was brought from other seceding states, beset the polls; threats of personal violence were made, and intimations were broadly given that those who would not acquiesce in secession would be compelled to leave the state. Whatever may have been the result of that vote, we repudiate it on account of this intimidation, as well as on account of the illegality of the convention and its acts. That which was wrong in its inception, could not be made right by subsequent proceedings which did not change its character.

These high handed and violent acts of the usurpers compelled the people to abjure their allegiance to the United States, or to denounce the authority of the Richmond obligarchy. Those charged with the administration of the State government, had voluntarily submitted to a jurisdiction unknown to the convention and laws, and had thus practically vacated the offices with which they had been charged. With great unanimity the people of West Virginia determined to remain faithful to the State and National constitutions and laws to which they had been accustomed. If they remained loyal, and could prevent their section of the State being occupied by the rebel forces, it was a necessity, in order to avoid a state of anarchy, that some government should be constituted to take the place of that which had been subverted.

On the 13th of May 1861, by a movement almost spontaneous, the loyal people of the north western counties assembled in mass meeting at the City of Wheeling, to deliberate on their condition and the steps it behoved them to take. After much discussion, the result was that they invited the loyal people of the whole State to assemble in convention at the same city on the eleventh of June then next, "to devise such measures and take such action as the safety and welfare of the loyal citizens of Virginia may demand." This Convention was formal in every respect. It was to be composed of the members of the legislature previously duly elected under the existing constitution and laws, and of delegates proportioned to the population of the counties, each being entitled to at least one.

The convention duly assembled, having delegates from counties situated to the East as well as to the West of the Alleghanies. On the 13th of June, 1861, they unanimously adopted a declaration of right,[11] in which, after briefly reciting the acts of the usurping convention and executive, "in the name and on the behalf of the good people of Virginia," they solemnly declare "that the preservation of their dearest rights and liberties, and their security in person and property, imperatively demand the reorganization of the government of the commonwealth; and that all acts of the convention and executive tending to separate this commonwealth from the United States, or to levy and carry on war against them, are without authority and void; and that the offices of all who adhere to the said constitution and executive, whether legislative, executive or judicial, are vacated." Is there a loyal man anywhere who will dissent from the operative part of this declaration?

The loyal convention then proceeded to appoint for a limited period a Governor and other executive officers, and to pass such ordinances as the circumstances in which their constituents were placed required, but carefully abstained from any alteration of the State constitution not imperatively demanded by the exigencies of the time. They directed the Legislature, elected under the old regime, to assemble at Wheeling within a month, requiring the members to take an oath to support the reorganized government; which body, in due time, provided for an election by the people of the officers temporarily appointed by the convention and elective under the constitution, and re-appointed the others. Since then the government has been administered under the constitution and laws theretofore in force. The courts of justice have been open in every part of the State not occupied by the rebels; taxes have been levied and collected, and, in short, all the powers of a regularly organized government have been exercised and respected.

The gravamen of the charge preferred by the loyal people of the State through their convention is that the powers of the State government, granted for the promotion of the welfare and the protection and security of the people, had been, by those formerly charged with their administration, perverted to their injury and oppression. This is the very case which the Act of Ratification of Virginia declares would justify a resumption by the people of the United States of the powers granted under their constitution. The principles established by the great revolutions of the sixteenth, seventeenth and eighteenth centuries—the Dutch, the English and the American—are confidently appealed to for example and justification wherever free government, or the love of it, finds a resting place. To those principles and to the acts which led to and accompanied their promulgation, the loyal people of Virginia confidently appeal for the vindication of the measures they solemnly, and with a due sense of their responsibility, adopted, in the difficult circumstances in which they were placed.

On the 26th of July, 1581, the United Provinces of the Netherlands,

[11] This declaration was adopted on June 17, 1861.

having then passed through fifteen of the eighty years of their war of independence, renounced their allegiance to Phillip II of Spain by a solemn act of abjuration. In that instrument they set forth the grievances they had suffered at his hands for a quarter of a century, and declared "that they were sufficiently justified in forsaking a sovereign who for more than twenty years had forsaken them." In the preamble they say: "All mankind know that a prince is appointed by God to cherish his subjects, even as a shepherd his sheep. When, therefore, the prince does not fulfill his duty as protector; when he oppresses his subjects, destroys their ancient liberties, and treats them as slaves, he is to be considered, not a prince, but a tyrant. As such, the estates of the land may lawfully and reasonably depose him, and elect another in his room."

A little more than a century later, on the 12th of February, 1688-9, the Lords and Commons of England, sitting, not in Parliament, but in a convention of two houses, published a Declaration of Right, by which they deposed their king, James II, and called William and Mary to the throne. "The Declaration," says Macauley, "began by recapitulating the crimes and errors which made a revolution necessary. James had invaded the province of the Legislature; had treated modest petitioning as a crime; had oppressed the church by means of an illegal tribunal; had, without the consent of Parliament, levied taxes and maintained a standing army in time of peace; had violated the freedom of elections, and perverted the course of justice. Proceedings which could lawfully be questioned only in Parliament had been made the subjects of prosecution in the King's Bench. Partial and corrupt juries had been returned. Excessive bail had been required from prisoners; excessive fines had been imposed; barbarous and unusual punishments had been inflicted; the estates of accused persons had been granted away before conviction. He, by whose authority these things had been done, had abdicated the government."

It is unnecessary to quote at length from the Declaration of Independence by which our sires declared themselves absolved from all allegiance to the British crown and claimed their political independence. They too set forth their grievances, and plainly declared that, whenever a government becomes destructive of the ends for which it was instituted, it is the right of the people to alter or abolish it, and to provide new guards for their future security. This principle was the basis of action in the preceding resolutions, as it was of the proceedings of the loyal people of Virginia in 1861.

In the first two cases there was no change in the force of government, although the United Provinces subsequently became a republic; nor has any such change been made or attempted by the loyal people of Virginia. A simple deposition of the officers who had perverted the powers with which they had been intrusted was made, and the vacancies filled by new appointments, and then the new constitution of 1850-51 and the laws made under it were again in force. If it was a revolution, it was produced by intolerable grievances, and was conducted with all the

formalities of the world-approved and time-honored precedents we have cited. The complaint was not that oppressive laws had been passed in legal form; but that the measures inaugurated by the usurpers, and which they were attempting to enforce, tended to the overthrow of the very foundations of the government, and the substitution of an oligarchy or military despotism.

The reorganized government has been formally recognised by the executive, by the Congress, and in one instance at least by the judiciary of the United States.[12] Elections, under its authority, for Representatives in Congress, have been held in the East as well as in the West, and those elected have been admitted to seats in that body. Its legislature is the legislature of the whole State, and is competent to do what any previous legislature could have done. The fact, that in a large portion of the State the citizens are in open rebellion, cannot affect its constitutionality or the extent of its powers, although the exercise of the latter is temporarily circumscribed. Nor does it detract from its authority to do all that the Constitution permits, that there are numerous vacancies in its membership. Are not the two houses sitting at Washington the constitutional Congress of the United States, although the exercise of its authority is also temporarily circumscribed and many of its seats are unoccupied? There can be but one reply to this question; and the same reply must be given when a similar inquiry is made as to the legislature recently in session at Wheeling.

If that legislature is legally competent to do any act whatever, it was competent to give the consent of the State of Virginia to the formation and erection of the State of West Virginia within the jurisdiction of the former. Say that it was ungenerous or unwise to act upon the question at a time like this, still the consent given was a legal and constitutional consent; and that, with the approbation of a majority of the voters voting on the subject, and the consent of Congress, is all that is required to place West Virginia by the side of Vermont, Kentucky and Maine. But we contend that the movement was neither ungenerous nor unwise. Are we expected to seek the approbation of those who have disfranchised themselves by their disloyalty? The reorganized government will remain the constitutional government of the residue of

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[12] The judicial recognition here referred to was perhaps the appointment by President Lincoln on July 26, 1861, of John J. Jackson, Jr., of Parkersburg, to be Judge of the Western District of Virginia. Data in the Waitman T. Willey "Letters and Papers" in the Library of West Virginia University indicate that the appointment was intended for John J. Jackson, Jr., and not, as has been frequently alleged, for his father, John J. Jackson, Sr. The appointee was confirmed by the United States Senate on August 5, 1861, but his commission was dated August 3 of that year. He acknowledged receipt of his commission and took the oath of office seven days later.

Although West Virginia separated from Virginia and in 1863 became a functioning state in the Union, nothing has been found to indicate any break in the continuity of Jackson's service as a district judge. After the passage on June 11, 1864, of the act setting up the judicial system of West Virginia, his position was that of district judge for the District of West Virginia.

Judge Jackson retired on March 15, 1905, from the position of district judge for the Northern District of West Virginia, and received his last pay as a retired judge in August, 1907. Records in the Department of Justice, Washington, D. C., indicate that at least two Federal judges served longer periods than did Judge Jackson. They were Judge Willard Hall from the District of Delaware, who served from 1823 to 1871; and Judge Henry Potter of the District of Albermarle, Pamptico, and Cape Fear, who served from 1802 to 1857.

Virginia, with power to extend its operations as fast and as far as the progress of the Union armies will permit; and in whatever way the national difficulties may be adjusted, the reorganized and the proposed governments must be recognised as the governments of States of the United States, on an equal footing with the original States.

We have thus disposed of the last, and, as our opponents profess to think, the most formidable objection to the erection of the proposed State. We have dwelt upon it at more length than was necessary simply to confute it. We embraced this opportunity to show upon what impregnable foundations the reorganized government of Virginia has been reared. It was due to those who composed the Convention of June 1861, and to the people who have approved and ratified what they proposed, to vindicate their bold, but deliberate and well considered act, against the aspersions by which it has been recently assailed.

We deem it superfluous to urge you to use your best exertions to secure a full vote in favor of the amended Constitution. You are too well aware of the numerous advantages a separate organization will secure to you and your posterity, to yield to objections preferred, for the most part, by those whose sympathies are with the rebels who are seeking your destruction. These objections, however plausibly urged, do not relate to matters which can have any practical effect upon your welfare, or the prosperity of the proposed State. Your duty in all cases is to promote the moral and material interests of yourselves, your children, your fellow-citizens, and your country. No case can be presented for your consideration and action where the opportunity to secure that result is more certainly in your power. A unanimous, or nearly unanimous, vote of the people, accepting the amended constitution, will be the most effectual refutation of all the objections that have been or can be urged.

By order of the Convention,

A. D. SOPER,
President of the Convention.

Ellery R. Hall, Secretary.

West Virginians in the American Revolution

Assembled and Edited by ROSS B. JOHNSTON

The sources of this material are from the files of the Pension Office at Washington, from various county records, from notes of patriotic societies, principally the Daughters of the American Revolution, Sons of the American Revolution, Sons of the Revolution, and from a large miscellaneous group of published and private sources. Corrections and additions to this list will receive the careful attention of the editor.

FARNSLER, HENRY

Service—Pennsylvania Va. No. 23568 No. S. 15829

Born, 1761, Germantown, Berks County, Pennsylvania. Removed to Pendleton County, thence to Shenandoah, thence to Randolph County, where he resided when he received Revolutionary War pension in 1834.

In 1778, at the age of sixteen years, he enlisted in the Revolutionary Army and was assigned to the Eighth Company, Sixth Battalion, Lancaster County, Pennsylvania militia, under Captains Dark, Seley, Spoon and Colonel Cross. He served to the end of the war, including the Yorktown campaign. He is sometimes referred to as a private of infantry, and sometimes as a drummer, but could have been both.

FERREL, JAMES S.

Service—Virginia Ohio-Va. No. 31559 No. S. 7697

Born, Berkeley County, Virginia, April 24, 1763. Resided in Morgantown, Monongalia County, Virginia, at the time of enlistment. Remained there until 1827, when he removed to Ohio Township, Monroe County, Ohio. Resided in Tyler County, Virginia, 1838, with his son, John B. Ferrel.

At time of enlistment, May, 1779, he gave his age as a little upwards of sixteen years. He volunteered under Captains David Scott and Robert Ferrel (his father), Virginia militia, under command of Colonels Crawford, Darke, General McIntosh and General Clark in Indian scouting and border patrol. Supporting data filed by the Rev. Resin White and Robert Longwell. Pension certificate issued November 14, 1838, but it was later suspended. No record of reinstatement.

FIATT, WIPON

Wipon Fiatt filed application for pension, September 6, 1832. He was born in York County, Pennsylvania, and then moved to Shepherdstown, Virginia. There was drafted in company of Captain Morrow, Captain Josiah Swearingen, and Lieutenant Islow. He accompanied General McIntosh on the march to the Muskingum River, and was also at Yorktown.

FINLEY, SAMUEL (Major)

Born, April 15, 1752. When the Revolution broke out, he was working in a Martinsburg store. He enlisted in 1775 as a sergeant in Captain Stephenson's company; first lieutenant of Stephenson's Maryland and Virginia Rifle Regiment, July 9, 1776; taken prisoner at King's Bridge or Fort Washington, November 16, 1776, at which time he commanded Captain Shepherd's company. He was held prisoner four years until November, 1780, when he was exchanged with Captain Henry Bedinger, Captain Nat. Pendleton and others. He was made captain of the Eleventh Virginia, December 20, 1776; was transferred to the Fourth Virginia, February 12, 1781; made major of the Seventh Virginia, September 11, 1782; transferred to the First Virginia, January, 1783, and served to the end of the war. (See statement in pension office from Brigadier-General James Wood of Virginia, Continental Line, August 1, 1807.)

Finley later moved to Chillicothe, Ohio. He commanded a troop of horse during the War of 1812, and died in Philadelphia, April 2, 1829.

FINK, JOHN

On February 8, 1782, a season unusually early for Indian activities, John Fink, a Revolutionary soldier who had just returned from the eastern front, was shot and killed by an Indian, about where the Upshur County courthouse in Buckhannon now stands.

FLANAGAN, EBENEZER

Born, Huntington County, New Jersey, May 5, 1755, and there enlisted, September, 1776. Mentions Generals Washington, Lafayette, Campbell, Wayne, Clinton, and Knox. In New Jersey, Colonels Rittenhouse, Taylor, Bennett, Furmans, Captains Philip Snook, William Haslett, Henry Lane, and Lambert. In Virginia, Colonels Nyswanger, Mathews, Hugart, Captains Bell, Patterson, and Campbell. Moved from New Jersey to Augusta, now Pendleton County, Virginia, in 1778, and to Randolph County, Virginia, 1796. Applied for pension, Randolph County, 1833, but claim was rejected.

FISHER, EBENEZER

Service—Massachusetts Va. No. 1910 No. S. 8475

Born, Norfolk County, Massachusetts, January 31, 1754. There enlisted, 1775, under Captains Briggs and South in the Massachusetts Regiment commanded by Colonels Joseph Reid and Robinson. After moving from Massachusetts, the soldier lived in Maine, New Hampshire, and Ohio, and was living in Harrison County, Virginia, November 13, 1832, when he received pension certificate. Supporting data was filed for him by the Reverend John Davis and Stephen Dix.

FISHER, ISAAC

Service—Virginia Va. No. 7040 No. S. 39524

Enlisted, Greenbrier County, Virginia, 1775, and served until 1778 under Captain Arbuckle, Twelfth Virginia Regiment, under Colonels John Hutchinson and Woods. Granted pension in Monroe County, Virginia, March 5, 1819. In 1820, the age of his wife was shown as 30, a daughter, 10, and a son, 3. Bounty land warrant for 100 acres was also received.

Book Reviews

CAMPS AND FIRESIDES WEST OF THE ALLEGHENIES. By Oscar Doane Lambert. Charleston, West Virginia: West Virginia Publishing Company, 1941. Pp. 288. $2.00.

In presenting this book to the reading public, Oscar Doane Lambert has rendered a distinct service to the boys and girls of West Virginia and to the adults as well. The first sentence of the preface to the book is timely and important. Here he states that "The Selections in this Book Have Been Collected and Classified for the Purpose of Helping Our Boys and Girls Gain a more Thorough Understanding of the Actual Conditions Surrounding the Lives of our Pioneer Fathers and Mothers." The book, however, is most valuable from still another angle. Many of the selections are taken from old and rare books that are seldom found in homes or in our school libraries. It may be that some of them cannot even be found in our college libraries. I hope this little book will find its way, in due time, into every school library in the state.

The book is divided into six parts. Each part deals with a distinct phase of early life in Western Virginia. Part V presents stories, not commonly read, relating to the causes and the personalities involved in the separation of Western Virginia from old Virginia. Part V also includes the message of Abraham Lincoln in which he states why he believes the admission of West Virginia into the Union is expedient.

Part I includes six stories relating to the period of exploration of the Western Virginia country. Here is found the story of "The Knights of the Golden Horseshoe," a story already familiar to our students. Probably less familiar are the stories of Major George Washington visiting Chevalier de St. Pierre, his return from Venango, Daniel Boone's camp, and Bishop Francis Asbury's visit to Tygarts Valley.

Part II called "Firesides at Home" includes stories that give intimate pictures of pioneer home life, farming on the frontier, the early grist mill, spinning and weaving, the pioneer school, and life on the road. A total of thirteen stories are found in Part II, two of which are taken from T. H. Searight's *The Old Pike—A History of the National Road.* This book was published in 1894 and, I believe, not many copies are extant in West Virginia.

The pioneers could not always be certain of an adequate supply of food from the limited acres which they had cleared for farming. Game was plentiful and the early settlers were expert marksmen. The pioneers were hunters, partly because of the need of food for their families and partly because they loved the "Chase." Part III consists of seven stories under the heading of "Camp Fires Along the Game Trail."

Twenty-three interesting and thrilling stories are found in Part IV relating to the conflict between the pioneers and the Indians. Here are brought to the front such characters as Lewis Wetzel, Jesse Hughes, Adam Poe, David Morgan, Samuel McColloch, and General Andrew Lewis. In these stories it will not be difficult for our boys and girls to get vivid impressions of these early giants; they will also realize how essential these Scouts were in establishing the early pioneer communities.

Dr. Lambert, in Part VI, pays a beautiful tribute to the "Fathers of West Virginia." It is a fitting close to this book.

West Virginia Institute of Technology D. B. KRAYBILL
Montgomery, West Virginia

THE LIFE OF MORRIS PURDY SHAWKEY. By Marshall Buckalew. Charleston, West Virginia: West Virginia Publishing Company, 1941. Pp. 109. $1.00.

The legion of friends of Morris Purdy Shawkey, and all who are interested in orderly accurate records of the life of real leaders, are indebted to Mr. Buckalew for bringing together the most important facts about the public record of M. P. Shawkey.

Chapter I, "Pedagogue at Fifteen," is especially interesting to us who knew him in full maturity and high places. This chapter clearly shows the way a determined, thrifty youngster can make his way in America. The story here told puts to shame some who complain of the lack of opportunity.

Through a half dozen strong chapters, the author preserves in clear outline the sound policies and the major accomplishments of Morris P. Shawkey in many high positions. This brief review need not add to these official records, but it is most fortunate that this volume could be produced while many of the movements that shook-up and improved the school system in West Virginia are still fresh in the memory of many of us. Many important details that might have been lost to a later time are placed in good order and clear style by Mr. Buckalew.

The chapter on "Normal School Bloc and the Withers Incident" may prove most exciting to the average reader. The heading and contents of this chapter should not be taken as evidence that Mr. Shawkey opposed our University. In fact, the writer knows personally, that Shawkey was a constant booster of our University, but he did object to any move to build up that institution at the expense of State Normal Schools and Teachers Colleges. He strongly advocated moving the University to a new 1000-acre tract near the present site.

Now, may I add a personal note not suited to a serious master-degree production. In 1909 and the years following when I worked with Superintendent Shawkey, he was a man of great physical prowess, often bantering others to contests in tennis, to indoor physical sports, and to cross-country hikes. It was difficult to follow him on a visiting or inspection trip over the West Virginia hills. Furthermore, he was too much known as a cold efficient man, when he was through and through a friendly man among men. He had a constant love of nature, often reporting on com-

ing to the office from his home on the hill, "My choir of birds gave a great concert this morning, beginning at 4:30 a.m."

All of us owe to Marshall Buckalew a real debt for giving us *The Life of Morris Purdy Shawkey.*

Concord State Teachers College — J. FRANK MARSH
Athens, West Virginia

THE SECRET DIARY OF WILLIAM BYRD OF WESTOVER, 1709-1712. Edited by Louis B. Wright and Marion Tinling. Richmond: The Dietz Press, 1941. Pp. 622. $5.00.

William Byrd, a typical Virginia gentleman of wit, urbanity, and charm, kept a diary. This diary, a fine example of clear and readable prose, is comparable to the famous diary of Samuel Pepys. In it Byrd, like the immortal Pepys, has indulged in no spontaneous flights of fancy, used no tricks of imagination, and colored no act of his life. He lived a simple, useful life on a grand scale and the record of that life is intensely human.

As the reader follows the master of Westover through his day by day chronicle of the innermost and most intimate secrets of his life, he not only gets a picture of life on a large plantation, but of life in Colonial Virginia as well.

Byrd was very versatile. He began his day usually at five o'clock by saying his prayers, and reading several chapters in Hebrew or Greek. He read French and found enjoyment in poetry. He managed a large plantation, operated a mill, had interest in shipping, and held an office in government; and yet had time personally to aid his neighbors who often sought his advice, or to administer to his sick slaves.

He recorded the most minute events as well as the great happenings in his life. He told of writing business and personal letters, some going to England and Bermuda; of settling his accounts, of his readings, of his pastimes, what he ate for his meals, of his quarrels with his wife who was temperamental and not a "good manager," of his indiscretions, of his neglect to say his prayers, and his opinions of many of his contemporaries.

Byrd appears a harsh master when he has the bit put on a recalcitrant slave, but a different nature is shown as he personally attends a sick slave and feels that it's God's judgment upon him when a large number of slaves die during a winter. His life was useful and must have been, in spite of his worries over lazy and indifferent slaves and losses in shipping, reasonably happy, for at the close of the day he could frequently say, "I had good thoughts, good health, and good humor, thanks be to God Almighty."

Much credit is due the authors, Louis B. Wright and Marion Tinling, for their painstaking work in translating Byrd's shorthand into readable form—and thus making possible this important record of Colonial life.

Charleston, West Virginia — ELIZABETH J. GOODALL

State History as Featured by the Press

MAGAZINES:

THE VIRGINIA MAGAZINE OF HISTORY AND BIOGRAPHY (October, 1941), *Virginia Militia Officers, 1698*, contributed by George Harrison Sandford King.

AMERICANA (October, 1941), *Ernst and Allied Families*, by Thomas H. Bateman; *Indians and French of the Inland Empire*, by W. Freeman Galpin.

AMERICAN ARCHIVIST (October, 1941), *The Papers of Thomas Jefferson*, by Helen Duprey Bullock.

MARYLAND HISTORICAL MAGAZINE (September, 1941), *Reading Interests of the Professional Classes in Colonial Maryland*, by Joseph T. Wheeler.

THE MISSISSIPPI VALLEY HISTORICAL REVIEW (September, 1941), *Some Jefferson Letters*, by Sigmund Diamond.

NEBRASKA HISTORY (October-December, 1941), *Memorials to the Sioux Indians*, by Gutzon Borglum; *Why Remember the Indians?* by Bishop George A. Beecher; *A Memorial to the Sioux Nation*, by Addison E. Sheldon.

WILLIAM AND MARY COLLEGE QUARTERLY (October, 1941), *The Westward Migration of a Planter Pioneer in 1796*, by Boyd Still.

SOUTH ATLANTIC QUARTERLY (October, 1941), *A Revolutionary Frontiersman*, by Edgar F. Shannon.

THE HISTORICAL SOCIETY OF NORTHWESTERN OHIO (October, 1941), *Ohio, Prize of the Revolution*, by Kenneth W. McKinley.

OREGON HISTORICAL QUARTERLY (September, 1941), *Indian Women as Food Providers and Tribal Counselors*, by Leslie M. Scott; *Boone Family Reminiscences as Told Mrs. Dye*, by Eva Emery Dye; *Commercial Routes from 1792 to 1843 by Sea and Overland*, by Oscar O. Winther.

THE PENNSYLVANIA MAGAZINE OF HISTORY AND BIOGRAPHY (October, 1941), *The Tradition of Liberty in England and America*, by Stanley Pargellis; *Pennsylvania's Grand Plan of Post-Revolutionary Internal Improvement*, by J. Lee Hartman.

THE WISCONSIN MAGAZINE OF HISTORY (September, 1941), *Pocahontas and Jamestown*, by Louise Phelps Kellogg.

NEWSPAPERS:

BRAXTON CENTRAL (Sutton), *Sutton-on-the-Elk—History Booklet Sponsored by Sutton and Braxton County*, September 25, by WPA; *Bits of Braxton County History* (a serial), September 25, by Charles M. Byrne.

BROOKE NEWS (Wellsburg), *Kadesh Chapel Celebrates 150th Anniversary*, September 26; *Wellsburg, Second Oldest City Along Ohio To Hold Sesquicentennial October 18-19*, October 17 (Anniversary Edition).

BUCKHANNON RECORD, *West Virginia Joins Nation in Observance of First American Guide Week, November 10-16*, November 7.

CHARLESTON DAILY MAIL, *Sacred Heart Church Observes 75th Anniversary*, November 23.

CLARKSBURG TELEGRAM, *Trinity Methodist Church Marks 75th Anniversary*, November 25.

DAILY HERALD (Wellsburg), *Story of Herald—Founded as Charlestown Gazette; Wellsburg First Settled by Cox Brothers in 1772*, October 17.

DOMINION NEWS (Morgantown), *"Hampshire Review" Founded in 1884 by Charles Poland*, November 4.

FAIRMONT WEST VIRGINIAN, *Marion County Historical Society Outlines Activities*, October 6; *Marion County's History To Be Filled With Local Color of Early Day Incidents*, October 7.

FAIRMONT TIMES, *Barbour County Historical Society Organized*, October 23; *Mound Museum To Display Relics of Mound Builders*, November 1; *Thomas M. Leeper Relates Story of Jones Raid in Marion County*, November 4.

GRAFTON SENTINEL, *The History of Taylor County* (serial), by Charles Brinkman, November 4.

HANCOCK COURIER (New Cumberland), *Local Presbyterians Observe 90th Year—Congregation of 28 Members Organized May 7, 1851*, September 4.

HERALD-DISPATCH (Huntington), *"Push Boat"—Glenn Ford Mott Tells Tale of Big Sandy* (review), September 21.

MONROE WATCHMAN (Union), *Monroe Historical Society Organized—51 Charter Members*, October 16.

MORGANTOWN POST, *"Stories of West Virginia," by Sylvia Soupart, To Be Published by Library of Congress in Braille*, September 24; *Map of Monongalia County Showing Indian Trails and Early Roads Presented to 92 Schools by Colonel John Evans Chapter DAR*, October 1; *Old Church Celebrates 104th Anniversary at Kingwood* (picture), October 24.

THE MOUNTAINEER (Ripley), *Early History of Pioneer Days in Jackson County* (serial), by Tommie Sewell, October 10—October 31.

NICHOLAS CHRONICLE (Summersville), *Sketch of the Grose Family Since 1807*, by A. J. Legg, October 16.

PARKERSBURG NEWS, *1793 History-Making Year—Capture of Major Goodale*, September 21; *Parkersburg Prior to 1810*, September 28.

PENDLETON TIMES (Franklin), *Presbyterian Church Celebrates 75th Anniversary at Thorn Spring Park*, October 3.

POCAHONTAS TIMES (Marlinton), *Shawnee Princess Nonhelema Sister of Cornstalk*, by Mrs. Anna Chandler, September 25; *Personal Recollections of Private John Henry Cammack, Soldier of the Confederacy, 1861-1865* (serial), October 2—October 19.

ROANE COUNTY REPORTER (Spencer), *First Baptist Church Observes 106th Anniversary*, October 1.

SHEPHERDSTOWN REGISTER, *Bushong Writes History of Jefferson County* (review), October 22.

SPIRIT OF JEFFERSON (Charles Town), *Cato Moore Marker Dedicated in Zion P. E. Churchyard by Daughters of 1812*, November 5, October 29.

STATE SENTINEL (Fayetteville), *Story of the Massacre of Fort Tackett Defenders by Indians, August 27, 1790*, by Henry F. Young, September 24. *Fifty Years of United States Circuit Court of Appeals* (a speech by Judge George W. McClintic, delivered at the Judicial Conference at Ashville, N. C., June 20, 1941), review by Calvin W. Price, October 1.

SUNDAY REGISTER (Beckley), *Beulah E. Stark, First West Virginia Woman To Fly*, November 2.

WHEELING-NEWS REGISTER, *Kadesch Chapel Church Celebrates 150th Anniversary*, September 21; *Career of the Intelligencer Linked Closely to History of West Virginia—Archibald Campbell Leading Figure in Separation Movement*, October 2; *Wheeling YMCA Observes 81st Anniversary*, October 6; *Triadelphia M. E. Church, Oldest in Section, Has Homecoming—Built in 1839*, October 31.

WHEELING INTELLIGENCER, *Emancipation of Slaves in Ohio County*, by Harry J. Jones, September 22.

WIRT COUNTY JOURNAL (Elizabeth), *Pioneer History of Wirt County* (serial)—*The Bumgarner Family*, by Tommie Sewell, September 19—October 31.

Recent Accessions to the State Department of Archives and History

Compiled by NANCY WILSON, Librarian

LEECH, MARGARET. *Reveille in Washington, 1860-1865.* New York, Harper, 1941. 483 p.

A country capital, stretched in a muddy valley along the Potomac, became in the spring of 1861 a symbol of Federal prestige, a prize for which two armies contended. On its little stage was played the mighty political drama of a nation divided by rebellion. *Reveille in Washington* portrays a half-loyal city, from the doubts of the secession winter to the triumphant grand review of the armies of the republic in the spring of 1865—its political leaning, its social life, its press, its crime wave and its Negro problems. The story of the Federal City, drawn mainly from contemporary accounts, is an important contribution to the history of the period.

RENIERS, PERCIVAL. *The Springs of Virginia . . . 1775-1900.* Chapel Hill, University of North Carolina Press, 1941. 301 p.

This book about the Southern Springs, where "curing" and mating went on furiously side by side for well over a century, takes the reader behind the vague and flowery legends into that turning life around the fountains whose waters were so impregnated with minerals, heat and fashion.

BRANT, IRVING. *James Madison, the Virginia Revolutionist.* New York, Bobbs-Merrill, c 1941. 471 p.

Irving Brant was moved to undertake the writing of the life of Madison, as a result of his studies for *Storm over the Constitution.* Madison is carried in this volume from his birth in 1751 to his entrance into the Federal Congress in 1780. Everywhere the author shows complete grasp of subject and background. Letters, documents, newspapers, books—all primary sources—have been directly drawn on.

LUDLOW, WILLIAM LINNAEUS. *The American Constitution. New Concord,* Ohio. The Radcliffe Press, c 1941. 519 p.

The purpose of this book is to provide an elementary study of the American Constitution through the interpretations of the Supreme Court of the United States. Ludlow, the author, is firmly convinced that the study of American Government can best be made through a careful analysis of the decisions of the Supreme Court. The judicial interpretation of the Constitution is discussed in such a manner that no technical knowledge of law is necessary for an understanding of the book.

HUME, EDGAR ERSKINE, ed. *General Washington's Correspondence concern-*

ing the Society of the Cincinnati. Baltimore, John Hopkins Press, 1941. 472 p.

Everyone acquainted with the Society of the Cincinnati knows that General Washington was its first President. That he was a very active head of this, the oldest military society in America, is less well appreciated. He felt it his duty to carry on correspondence with European and other officers seeking admission, with the heads of the branches in the several states and in France, and most important of all, with political and military leaders of this country and France. These objectives are reflected in the letters Washington wrote, and those he received. Never before have all these letters been published.

WALKER, ROBERT SPARKS. *Lookout, the Story of a Mountain.* Kingsport, Tenn. Southern Publishers, 1941. 282 p.

A mountain like Lookout, which, for over a hundred years, can attract visitors in increasing numbers from a few adventurers to a half million or more annually, holds something magnetic about its personality which is worthy of heralding abroad, and that is what Robert Sparks Walker has done in his book about Lookout Mountain. This mountain gained material prominence during Civil War days when the famous "Battle above the Clouds" was fought on the identical spot where previously had been waged two Indian battles.

SEYMOUR, GEORGE DUDLEY. *Documentary Life of Nathan Hale.* New Haven, privately printed for the author, 1941. 627 p.

Mr. Seymour's aim in writing this life of Hale was to bring together all of the documentary material bearing upon the life of Captain Nathan Hale, an almost impossible goal. However, Mr. Seymour states in his introduction, that he believes himself successful in bringing together substantially all of the documentary material relating to Hale that is now known. This book has been prepared with care and attention to accuracy, and the result is a scholarly and comprehensive life of Hale.

VAN DOREN, CARL. *The Secret History of the American Revolution.* New York, Viking, c 1941. 534 p.

Though the characters and events of this narrative sound like fiction, nothing in *Secret History* has been invented. Every statement is based on a document. Here for the first time the story of Benedict Arnold's treason is fully told. The treason, long so mystifying, now appears as the downright transaction it was. Traditional guesses about Arnold, either that he was a villian out of melodrama or that he was a disillusioned hero honestly converted to the enemy, give way to facts which show him to have been bold, crafty, unscrupulous, unrepentant; the Iago of traitors. The appendix of this book, with its exact text of the Arnold-Andre correspondence, must rank at once with the most striking and revealing Revolutionary documents published in the past hundred years.

OTHER BOOKS RECEIVED:

BOUTEL, DUMONT. *Histoire et Commerce des Colonies Angloises.* A. Londres, et se vend a Paris, Le Breton, Imprimeur ordinaire du Roi, rue de la Harpe, 1755, 336 p.

*CHILTON, MARY TARR. *Genealogical History of the Chilton Family.* Charleston, W. Va., Jarrett Printing Co., 1941, 77 p.

DAVIS, ELIZA TIMBERLAKE. *Frederick County Virginia Marriages 1771-1825.* Smithfield, Va., Author, 1941, 129 p.

DONNE, JOHN AND BLAKE, WILLIAM. *Complete Poetry and Selected Prose.* Boston, Christopher, 1928, 475 p.

DUNAWAY, WAYLAND F. *A History of Pennsylvania.* New York, Prentice Hall, Inc., 1935, 828 p.

*EMERICK, SARA REBUEN. *West Virginia in Rhyme.* Clarksburg, Clarksburg Pub. Co., 1941, 268 p.

*EVANS, CHARLES W. *One Hundred Years of Methodism.* Fairmont, W. Va., 1937, 64 p.

FORCE, M. F. *Some Early Notices of the Indians of Ohio.* Cincinnati, Robert Clark & Co., 1879, 79 p.

GAUS, J., WHITE, L., DIMACK. *The Frontiers of Public Administration.* Trenton, N. J., MacCrellish Co., 1941, 337 p.

HALE, KINGSLEY. *Conrad Mayer & Susan Grey; A Hunting Story of the West.* Prairie City, Ill., Decker, 1920, 126 p.

HAMMOND, JOHN M. *Quaint and Historic Forts of North America.* N. Y.; H. W. Wilson Co., 1941, 286 p.

HERRING, E. PENDLETON. *Public Administration and the Public Interest.* New York, McGraw, 1936, 416 p.

HISTORICAL RECORDS SURVEY. West Virginia, *Inventory of the County Archives, No. 44, Roane County.* Charleston, W. Va., Historical Records Survey, 1941, 109 p.

LATHROP, MARGARET M. *The Wayside Home of Authors.* N. Y., American Book Co., 1940, 202 p.

*LYNCH, WALTER M. *The Lynch Family.* Charleston, W. Va., W. Lynch, 1940, 20 p.

LYONS, EUGENE. *The Red Decade.* New York, Bobbs-Merrill, 1941, 423 p.

*MATTHEWS, T. E. *General James Robertson, Father of Tennessee.* Nashville, Parthenon, 1934, 588 p.

*MERRICKS, JAMES W. *A History of the First Christian Church.* Charleston, Jarrett Co., 1941, 96 p.

MOTT, GLEN FORD. *Push Boat.* Huntington, Franklin Press, 1941, 268 p.

POWELL, WALTER A. *A History of Delaware.* New York, Charles Scribner's, 1941, 426 p.

ROSEBOOM AND WEISENBURGER. *A History of Ohio.* New York, Prentice Hall, Inc., 1934, 545 p.

Sacred Writings of Apostles and Evangelists of Jesus Christ. Bethany, W. Va., Campbell, 1828, 457 p.

SANDERS, JENNINGS B. *Early American History* (1492-1789). New York, Prentice Hall, Inc., 1941, 705 p.

SUTTON, T. DIX. *The Suttons of Caroline County.* Richmond, Va., Richmond Press, 1941, 99 p.

WEST, BENJAMIN. *Bickerstaff's Boston Almanack.* Boston, E. Russell, 1778, n. p.

WILLIAMS, GEORGE W. *A History of the Negro Troops, 1861-65.* New York Harper, 1898, 353 p.

*Gifts

Contributors

WILLIAM D. HOYT, JR., is a graduate of Washington and Lee University and received his Ph.D. in history from The Johns Hopkins University. He has conducted research in various fields of Maryland and Virginia history, for the Maryland Historical Society and other groups, and has published numerous articles in scholarly journals. He is at present a member of the staff of the Division of Rare Books and Manuscripts in the Alderman Library at the University of Virginia.

ROBERT J. LARGENT received his M.A. from the University of Chicago in 1923, and did graduate work in the field of history at the same institution during the years 1925-1926 and 1928. He is at present on the staff of the Graduate School of Marshall College, Huntington.

NANCY WILSON is a native of Morgantown, West Virginia. Miss Wilson was graduated from West Virginia University (A.B.), Morgantown, where she majored in English, and from the University of North Carolina (A.B.), Chapel Hill, where she majored in library science. While at Morgantown, Miss Wilson served as student assistant in the West Virginia University Library. She was junior assistant in the reference department of the University Library at Chapel Hill. Before her appointment as State Librarian in May, 1941, she was an assistant librarian at the Kanawha County Library, Charleston.

CHARLES H. AMBLER, for biographical sketch see Volume II, page 93.

J. FRANK MARSH, a native West Virginian, is president of Concord State Teachers College at Athens, West Virginia. President Marsh received his A.B. from West Virginia University in 1907 and his M. A. from the same institution in 1912. In 1927, West Virginia Wesleyan conferred on him an honorary Ped.D. One of the State's leading educators, he is the author of *Geography of West Virginia*, and *The Teacher Outside the School*. He is a frequent contributor to educational journals.

D. B. KRAYBILL, for biographical sketch see Volume I, page 250.

ELIZABETH J. GOODALL, for biographical sketch see Volume II, page 323.

Editor's Page

It is with a great deal of pride that the people of West Virginia read of the promotion of Lieutenant-General Delos C. Emmons of Huntington to Commander of the Army's Hawaiian Department. This is, indeed, a signal honor, and we are reminded by it of other West Virginians who have occupied positions of great military trust in previous wars. The Civil War gave to history "Stonewall" Jackson of Clarksburg, one of the greatest of military strategists; the Spanish-American War gave to the American school boy one of his greatest heroes, Lieutenant-Colonel Andrew Summers Rowan, the Monroe County soldier who carried the famous message to Garcia; and records of World War I list so many West Virginians distinguished for service and bravery, it would be difficult to choose anyone as an outstanding example. Among the 26,667 West Virginians, however, who went "over," we note the names of Major-General Mason M. Patrick of Lewisburg who served throughout the period of the War as Chief of the American Army Air Service, and General John L. Hines of White Sulphur Springs, as Commander of a United States Army Corps in France during the War, and as Chief of Staff of the United States Army succeeding General Pershing after peace was declared. It is men like these who serve as an inspiration to the people of West Virginia and make each one of us accept unreservedly the motto, "All out for defense."

In this period of world crisis the people of our State do not have to go outside her boundaries to find work that will contribute to national defense. We have everything right here—coal to dig, factories to run, farms to plant. In industry, in commerce, and in transportation facilities, West Virginia has made such rapid strides since the so-

called World War of a quarter century ago that she can today contribute vitally to the Nation's needs in the real World War which is now upon us.

Not only is West Virginia great in industry, but like her men in uniform, she is also great in spirit, determined that the coal needed to keep our Navy afloat shall be mined; that the steel needed to strengthen that Navy shall be produced; that her chemical plants shall work at an ever-increasing tempo until the Nation's demands are more than satisfied; that every acre of her farm land shall show green with returning spring. We are hill people, and hill people have never yet lost faith in the beauty and strength of life. At home and on the battlefield the people of West Virginia will be found, each one doing his bit to see that the thirty-fifth star in Old Glory's blue field shall shine as brilliantly as her sister stars. We *will* be worthy of the illustrious sons that have made and are making bright pages in our Nation's history.